REPORT

BENGAL SECRETARIAT

ON

THE LEGAL AFFAIRS

OF THE

BENGAL GOVERNMENT,

FOR THE

YEAR 1862-63.

Calcutta:

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1863.

No. 336.

FROM

R. B. CHAPMAN, ESQUIRE.

Officiating Secretary to the Board of Revenue, L. P.,

To

THE SECRETARY TO THE GOVERNMENT OF BENGAL.

FORT WILLIAM, *the 8th September* 1863.

SIR,

LAND REVENUE, (*Miscellaneous*)

W J ALLEN, A GROTE, AND E T TREVOR, } ESQUIRES

I AM directed by the Board of Revenue to forward, herewith, in original, the Legal Remembrancer's Report for 1862-63, with its accompaniments.

2. The results given in paragraph 3 are, in the Board's opinion, satisfactory. Referring to the marginal note, they think the Public Works Department should be prohibited from instituting any suit without first consulting the Legal Remembrancer. The outstanding balances are still heavy, and the attention of the Authorities must continue to be directed to their speedy realization.

3. With regard to the case which forms the subject of paragraphs 8 to 11, the Board have only to refer His Honor to their letter No. 623, dated 29th November 1850, and the correspondence which followed, and to the High Court's decision, dated 22nd July 1862, published in No. 1 of Decisions.

4. The Board find nothing very noticeable in case No. 2 (paragraphs 12 to 14) as far as Government is concerned. The public have an interest in it apparently.

5. The Board quite agree with the Legal Remembrancer in the opinion expressed by him in paragraphs 15 to 19 relative to case No. 3. By confiscation the Government put itself in the place of the rebel; and, as the Mokurerec tenure had been granted in good faith years before the mutiny, the dispossession of the Mokurerecdar was illegal. The Board propose to enquire of the Local Authorities whether the Legal Remembrancer is correct in the impression recorded in his 19th paragraph, and if so, how many settlements are liable to be set aside by the precedent of the High Court's judgment.

6. Case No. 5 is important for the Public Works Department. The Board think that it would be well for Government to circulate the precis of the case, as given in paragraph 21, widely in that Department.

7. The Board entirely agree with the Legal Remembrancer in the remarks which he has made in paragraphs 22 to 28 on case No. 6, which possesses some very extraordinary features.

8. Cases Nos. 7 and 8 (paragraphs 29 to 33) concern the same Estate, and are of importance to the Revenue Department, and still more to the Public Works Department, the Officers of which now take land for embankments, frequently without attending at all to the requirements of the law (Act XXXII. of 1855).

9. Case No. 9 (paragraphs 34 and 35) requires no particular remarks.

10. The Board are not sure that the Legal Remembrancer's view of case No. 10 (paragraphs 36 to 45) is right. Possession, they observe, is nine points of the Law; as the Ghautwals were confessedly in possession, they think that Mr. Grant should have taken legal measures for ousting them instead of taking the law into his own hands.

11. Case No. 11 (paragraphs 47 and 48) calls for no particular remarks.

12. The Board concur with the Legal Remembrancer generally as to the merits of case No. 12 (paragraphs 49 to 63), though, they think, he has somewhat overstated the case against Government.

13. Case No. 13 (paragraph 64) requires no remarks.

14. It will be observed from paragraphs 65 and 66 that the Legal Remembrancer is satisfied with both the Senior and Junior Government Pleaders. The additional expense which will devolve on Government from the causes mentioned in paragraph 67 is unavoidable.

15. It remains for the Board to bear their testimony in favor of the Legal Remembrancer. He is very painstaking in the preparation of his reports of cases, which are generally very complete, and render reference for additional information upon any point almost entirely unnecessary.

I have the honor to be,

SIR,

Your most obedient Servant,

R. B. CHAPMAN,

Officiating Secretary.

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No. 1558.

FROM

C. P. HOBHOUSE, ESQUIRE,

Superintendent and Remembrancer of Legal Affairs,

To

THE OFFICIATING SECRETARY TO THE BOARD OF REVENUE, *L. P.*

FORT WILLIAM, *the 11th August* 1863.

SIR,

I HAVE the honor to submit the accompanying Report on the legal affairs of the Bengal Presidency for the year 1862-63.

2. The total number of cases pending on the 1st May 1862 was 884, of which 546 were original cases and 338 were appeals. During the year 1862-63 433 cases were instituted in the Courts of first instance and 249 in the Appellate Courts, total 682, shewing an aggregate of 979 original suits and 587 appeals, grand total 1,566.

3. Of the original cases 566 have been decided in favor of Government and 166 against it, total decided 732, pending 247. Of the 166 cases shewn as decided against Government nineteen were compromised, and in twenty-six cases the decisions against Government have been reversed in appeal, the actual number lost in litigation being 121.* Of the appeals 263 cases have been decided in favor of, and fifty-four against, Government, total decided 317, pending 270. The total number of favorable decisions is 829, unfavorable 220, and the number pending on the 30th April 1863 was 517. In thirty-three cases the Government were cast both in the Lower and Appellate Courts.

* Of this number thirty-two cases were instituted by the Executive Engineer, Midnapore Division, against certain Duffadars without any sanction from this Office, and these suits were subsequently dismissed with costs in consequence of no steps having been taken to prosecute them. Many of the remaining unfavorable decisions relate to fisheries resumed by Government, but released by the Civil Court.

4. The following Table gives a comparative view of the results of the litigation in which Government was concerned during the year under review and the last preceding year :—

	1861-62.												1862-63.											
	Government, Plaintiff or Appellant.						Government, Defendant or Respondent.						Government, Plaintiff or Appellant.						Government, Defendant or Respondent.					
	Total number of cases pending.	Decided in favor of Government.	Decided against Government.	Total decided.	Percentage of cases decided in favor of Government.	Percentage of cases decided against Government.	Total number of cases pending.	Decided in favor of Government.	Decided against Government.	Total decided.	Percentage of cases decided in favor of Government.	Percentage of cases decided against Government.	Total number of cases pending.	Decided in favor of Government.	Decided against Government.	Total decided.	Percentage of cases decided in favor of Government.	Percentage of cases decided against Government.	Total number of cases pending.	Decided in favor of Government.	Decided against Government.	Total decided.	Percentage of cases decided in favor of Government.	Percentage of cases decided against Government.
Original Suits ..	323	160	9	169	94¾	5¼	826	352	82	434	81¼	18¾	268	174	51	225	77¼	22¾	711	392	115	507	77¼	22¾
Regular Appeals	114	18	29	47	38½	61½	276	93	4	97	95¾	4¼	149	38	39	77	49¼	50¾	317	153	9	162	94¼	5¾
Special Appeals	23	2	1	3	66½	33½	80	7	3	10	70	30	31	11	5	16	68¾	31¼	88	60	...	60	100	...
Summary Appeals	...	...	...	...	...	...	2	...	...	...	...	..	...	...	...	...	...	...	2	1	1	2	50	50

5. The disbursements made on account of the law charges of the Government during the year have amounted to Rupees *A* 39,671-6-1 in the Land Revenue Department and Rupees *B* 3,038-14-1 in the Salt and Opium Departments, total Rupees 42,710-4-2.

6. The realizations under decrees of Court have amounted to Rupees *C* 14,602-5-11¼ in the Land Revenue Department and Rupees *D* 4,337-1-6 in the Salt and Opium Departments, total Rupees 18,939-7-5¼.

7. The outstanding balances due to Government are as under :—.

		Rs.	As.	P.
Revenue Decrees..	.. ..	1,28,166	15	11¼
Salt and Opium ditto	.. ..	45,515	10	8¼
	Total Rupees	1,73,682	10	7½

8. I will now proceed to notice such cases as appear to me to require remark.

No. 1.

RANEE SURNOMOYE—*Plaintiff Appellant,*

Versus

COLLECTOR OF RUNGPORE AND OTHERS—*Defendants Respondents.*

9. This is a very notable suit, which has been decided finally this year, and it dates so far back as 1817. In this year some 90,000 beegahs of Chur land were supposed to have accreted to the permanently-settled Estate of Baharbund in Zillah Rungpore. The Proprietor was called upon for settlement, and on his neglecting to appear Government took khas possession of the whole Chur. This was in 1818, and this state of things continued until 1824, when, for the first time, proceedings to resume were instituted under Regulation II. of 1819. These proceedings were never brought to a conclusion, but in 1848, soon after the passing of Act IX. of 1847, the lands were for a time released to the Proprietor of Baharbund, but in 1851, under the idea that they formed an Island within the meaning of Section VII., Act IX. of 1847, they were again taken possession of by Government, and in 1854 the Proprietor sued Government for possession with mesne profits.

10. The High Court found that the whole of the lands were a part of the Plaintiff's Estate of Baharbund; that the proprietory right in them rested with him; and that the Government had ousted him without any justification in law, and it therefore decreed possession to him with mesne profits, costs and interest from the year 1818, less the period 1848 to 1851, during which the Plaintiff was in possession.

11. The result of this decision (and it has been acquiesced in by the Board and the Government) is that the lands are lost to Government for ever, and that in addition we have had to pay the large sum of about 2,28,000 Rupees in the shape of mesne profits, costs and interest, and looking back to the history of the case it is impossible not to see that the disastrous result of it has been brought about by the extremest carelessness and mismanagement, for at any time within the years 1818 up to 1847 it was in the power of the Revenue Authorities to have resumed and settled the lands under the Laws then obtaining, and had

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A C.—These items do not include the sum disbursed and realised in the Hooghly District, as the necessary Return has not yet been received from the Collector.

B. D.—Ditto in the 24-Pergunnahs, Salt Agency Ditto.

this been done we might for years have been obtaining a large Revenue from them instead of being in our present helpless position as regards them.

No. 2.

COLLECTOR OF BEHAR—*Defendant Appellant,*

Versus

MUSSTT. BHOGNA CHOWDRINE—*Plaintiff Respondent.*

12. This suit is only interesting as illustrating a point of Law in the matter of lands taken for public purposes. The facts are these :—In 1829 the Magistrate of Gyah cleaned out a certain tank called Ramsagur and levelled certain lands on the banks of it. Subsequently, in 1832, certain Gywals having built houses on the lands and usurped them were made to pay rent for them to Government, and upon this Plaintiff interfered and claimed possession of the tank, houses, and lands. In reply the Government pleaded the application of the Statute of Limitations, as well under Section XIV., Regulation III., 1793, as under Sections IX. and X., Act XLII., 1850; but it appearing subsequently from the facts of the case that Plaintiff always, from the year 1832 up to the year 1853 (the suit was filed in 1856), had claimed a right in the lands and houses, so much of the plea as included all the property under the bar of limitation was dropped in special appeal as regards the houses and lands and we only pleaded limitation as regarded the tank.

13. The High Court, however, found the facts against us in the matter of the whole property, holding that, as regards all the property equally, Plaintiff's cause of action arose in 1853, and that therefore whether he had twelve years under Section XIV., Regulation III., 1793, or five years under Sections IX., X., Act XLII., 1850, he was equally in time, and then the Court added that Sections IX., X., Act XLII., 1850, applied only to lands lawfully and regularly acquired by purchase or otherwise and not to forcible and illegal acquisitions.

14. The wording of the Section in question is obscure, and as it has since been repealed by Act VI., 1857; its meaning is now of little consequence; but I concur in the Court's interpretation of it, and, although the result of that interpretation is; that a tank, which was improved and repaired at a considerable expense by a Government Officer for the public good, will now be declared to be the private property of an individual, who took no share in the repairs or improvement, yet the public having been allowed access to the tank from the year 1829 up to 1856, without let or hindrance from the Zemindar, have thereby acquired a prescriptive right to the use of it, of which the Zemindar cannot, by reason of this suit or by any other he may institute, deprive them.

No. 3.

MUSSTT. JOY KOOWAR—*Plaintiff Appellant,*

Versus

GOVERNMENT AND ANOTHER—*Defendants Respondents.*

15. This is a case of considerable interest and importance. The Plaintiff claimed to be a Mokurररeedar on the Estate of the late Rebel Kooer Singh. When the Government confiscated the Estate of Kooer Singh it seized the tenure claimed by Plaintiff, and after holding it khas for some short time eventually settled it permanently with a third party. Plaintiff sued to set aside this settlement, but the Lower Courts held that, inasmuch as he had not filed his suit within one year from the time of the seizure, his suit was barred by the application of the Statute of Limitations under Section IX., Act XXV., 1857.

16. In appeal to the High Court it was held that this Section was not applicable to a person with the rights of a Mokurereedar, and that to such a person the ordinary Law of Limitation applied.

17. In this ruling I concur. The forfeiture, under Section III., Act XXV., 1857, is declared to extend to all property and effects of which the offender shall have been possessed, or to which he shall have been entitled at the time of committing the offence, &c., and not to be barred by any disposition, &c., of such property made subsequent to the offence, &c., and after forfeiture there is to be seizure, and after seizure any one suing to recover must do so within a year.

18. But the seizure is only of a something the Rebel is entitled to or possessed of, and in the case of a Mokurereedar, all that the Zemindar, the Rebel in this case, could be held to be entitled to was the receipt of a quit-rent from the Mokurereedar, and therefore when the Government ousted the Mokurereedar they were wrong doers, for they had no power to do so under the Act, and he had his remedy to recover any time within the ordinary Statutes of Limitations.

19. The case does not to my mind present any difficulty, but I have mentioned it because I have been given to understand that in the District of Shahabad in which it originated the special Statute of Limitations was made to apply in the same erroneous way to many Mokurereedars, and because the consequence now may be that the alleged Mokurereedars who have been ousted on the ground of limitation only may come forward again and by applications for review of judgment may have their claims tried on their merits, and thus put in jeopardy many of the Revenue Settlements of the District.

No. 4.

BABOO BASSISTNARAIN—*Plaintiff Appellant,*

Versus

GOVERNMENT—*Defendant Respondent.*

This is an exactly similar case to the one just detailed; but in this the Plaintiff, who was cast in the Lower Court on the ground of limitation, did not appeal, but has now been admitted to review of judgment under the High Court's ruling in the case above quoted. This also is in the Shahabad District, and has lately, on trial in the Courts there on its merits, been decreed in our favor.

No. 5.

RAJCOOMAR MITTER—*Defendant Appellant,*

Versus

GOVERNMENT—*Plaintiff Respondent*

21. The Defendant in this case was an Assistant Overseer in the 24-Pergunnahs Embankments, and as such he was in the habit of receiving advances for work to be done, and he was sued for the recovery of Rupees 15,197-11-2, being the difference between advances made and the estimated value of work in satisfaction of the advances done. In the Court of the Judge we obtained a decree for the whole amount claimed, but in appeal to the High Court this amount was reduced to Rupees 10,000. The Defendant pleaded that as he received his advances for the payment of workmen under him, and as it was the act of these persons, if of any body, that caused the defalcations, therefore he could not be held responsible for them,

but the Court held that the workmen were only the agents of the Defendant and not of Government, and that, although he, Defendant, might recover against them, yet he was not the less directly liable to Government for the advances made to him, and that as he had failed to prove that he had duly paid away those advances, as by his contract, therefore he was liable to make good the difference. This decision is important as regards the Public Works Department, inasmuch as it declares that where advances are proved to have been made to their subordinates for work to be accomplished directly under the control of these subordinates, the burden of proof is on these latter to shew that they have duly disbursed the advances, and they will be held responsible for them and will not be allowed to plead the laches of persons employed under them.

No. 6.

GOVERNMENT—*Plaintiff Appellant,*

Versus

GUNGAGOBIND MUNDUL—*Defendant Respondent.*

22. This is not in itself a case of much interest or importance, and I should not have made special mention of it if it were not for certain proceedings which marked its conclusion.

23. It was a dispute about land and Government sued to dispossess the Munduls, Defendants, from certain lands which they held as lakhiraj, but which, we alleged, were a part of the holding No. 1, Sahiban Bageeclia, leased to Prince Gholam Mahomed. We lost our suit in the Lower Court on the ground that certain documents filed by us were of a suspicious character, but we succeeded in vindicating them in appeal to the High Court, and that Court, in its first judgment on the 23rd of January 1863, and again in review, 13th April 1863, declared the lands to be the identical lands we claimed and gave us a decree for possession.

24. This decree we duly executed on the 27th April 1863, and so obtained possession on the 30th of the same month; but subsequently, on the 9th May 1863, on the application of some of the Munduls, Defendants, the High Court directed us to be ousted from possession and Defendants to be retained in possession on security given, on the ground that our possession was merely nominal; that it was given us while the Defendant's application to be retained in possession was pending, and before it could be adjudicated on, and in spite of, Defendant's representations, and that there were very special and exceptional circumstances which rendered it advisable that the Defendant's long possession should not be disturbed pending an appeal they had made to the Privy Council.

25. The High Court qualified this order by remarking that, as a general rule, the judgment-holder had a right to execute his decree; that security should rather be taken from him than from the judgment-debtor; and that he, rather than such debtor, should be put in possession; but the order appeared so inequitable and unusual that, with the concurrence of the Board of Revenue, I filed a petition for review of it, praying the Court to stay execution of it, pending judgment on our petition for review, but this prayer was refused on the ground that the order was well considered.

26. By Section XXXIX. of the Letters Patent, and by Section IV., Regulation XVI., 1797, and Section CCCXXXVIII., Act VIII., 1859, in the matter of appeals to the Privy Council, the High Court has the option either to order execution of its judgment or to suspend such on security taken from the Appellants. Section CCCXXXVIII., Act VIII., providing that "sufficient cause" must be shewn in order to suspension of judgment, and hitherto such sufficient cause has been held to be only found in the fact of the decree-holder being a person of a character likely to waste the property decreed to him and unable to give sufficient security against such waste.

27. Now neither of these causes are sufficient against Government, Section CCCLX., Act VIII., 1859 expressly declaring that, in cases where Government is the decree-holder, no security is necessary in staying execution and absolutely the only cause shewn was "long possession," but this possession the Court itself at two separate full hearings had declared to be illegal, so that the Court has in fact held that a long illegal possession of property is a sufficient cause for a still longer possession and even for ousting the decree-holder after he has obtained possession in execution of decree, for though the Court calls our possession "nominal" it was as formal and complete a possession as the Law enjoins.

28. I have protested by an application for review of judgment against so dangerous and inequitable a doctrine as the Board and I concur in thinking this to be, but, from what I have learnt of the Court's mind on the subject, I have little hope of protesting successfully.

No. 7.

COLLECTOR OF 24-PERGUNNAHS.—*Defendant Appellant,*

Versus

JOYNARAIN BOSE.—*Plaintiff Respondent.*

29. This is a case of some importance as touching on the subject of compensation for lands taken for embankment purposes.

30. The Plaintiff, an Auction purchaser of a Zemindaree, sued to recover a sum of money as damages, in the shape of rent due, for certain lands of his Zemindaree taken up for embankment purposes. The High Court found that the Act which constituted the alleged injury, was not done during Plaintiff's proprietorship, but during that of one of his predecessors; that if any injury was done, it was done to the former proprietor and that, therefore, no right of action survived in the Plaintiff to recover damages of a personal nature, such as were claimed in the suit, and the Court, deeming the suit to be wholly groundless, dismissed it.

31. The effect of this decision is that no Zemindar can recover compensation for lands taken for embankments, during the time of his predecessors, in the shape of personal damages; but the more doubtful question, as to whether or not a Zemindar is entitled to an abatement of Revenue on account of such lands was expressly not adjudicated; on the other hand however, in the course of the judgment, it was ruled that a public embankment was not an incumbrance within the meaning of Section XXVI., Act I., 1845 (now Section XXXVII., Act XI., 1859), and was not, therefore, liable to be extinguished after a sale for arrears of Revenue in the same way as tenures, leases, &c., under the above Act.

No. 8.

COLLECTOR OF 24-PERGUNNAHS.—*Defendant Appellant,*

Versus

JOYNARAIN BOSE.—*Plaintiff Respondent.*

32. This was another suit for damages, in the shape of rent, due upon lands taken for a specified number of years for embankment purposes, but there was a material difference of fact and it lay in this, that the lands were taken since Plaintiff's purchase of the Estate, of which they were a part, at Auction sale and in as much as it was shewn that the lands had not been taken up under the provisions of Act I., 1824 or any similar Act, it was held that Government were mere trespassers and that Plaintiff was entitled to the relief he asked.

33. It follows from this, that in cases where land has been taken by Government for embankment purposes, without recourse to Law, and within the period of a Zemindar's tenure;

such Zemindar is entitled to receive damages and these, if he asks for it, in the shape of rents that would have been paid him for the lands taken up.

No. 9.

CASSENATH CHOWDRY AND OTHERS—*Defendants Appellants,*

Versus

GOVERNMENT AND OTHERS—*Plaintiffs Respondents.*

34. The Plaintiff in this case was a widow with two sons, minors. She sued the Government, in *formâ pauperis* for compensation on account of lands taken for embankment purposes within her deceased husband's Zemindaree. A decree was given against her and in favor of Government and a sum of some Rupees 2,000 became due to Government under this decree on account of Stamp fees and costs. In execution of this decree the Government sold four annas of the Estate of the deceased husband. On the death of the widow, the representatives of her minor sons sued to set aside the sale on the ground that the thing originally sued for was personalty of the widow, and that in execution of a decree in the matter of such personalty the Government was not entitled to sell an Estate, in which the widow had only a life interest and to the real proprietory right in which her minor sons had at the time of sale a reversionary interest.

35. The Sudder Dewanny Adawlut held that the thing originally sued for by the widow was not a personalty, but a something which was an appurtenance to her late husband's and her minor son's Estate, that in fact she sued as Trustee for this Estate and, this being so, that the Estate was liable for costs of the suit and was rightly sold in satisfaction of these costs, and there seems to me no doubt that this is an equitable decision and I refer to it because it sets aside a previous adverse precedent of the Sudder Dewanny Adawlut, 30th June 1858, page 125.

No. 10.

DEPUTY COMMISSIONER OF BEERBHOOM AND OTHERS—*Defendants Appellants,*

Versus

RUNGLOLL DOE AND OTHERS—*Plaintiffs Respondents.*

36. This is a case of much importance for in it is involved more than one question of Law as affecting the Ghatwally tenures in the District of Beerbhoom.

37. The facts of the case are these. In 1857 one Ooditnarain, a Ghatwal of the Estate of Rohinee, died leaving an infant son and a widow his sole survivors. The son died shortly after and the widow being a disqualified proprietor within the meaning of Regulation X., 1793, the Estate was taken under the Court of Wards.

38. It was then given out in farm to a Mr. Grant; and this gentlemen finding certain persons in possession of particular villages on the Estate as Mokurrereedars, under leases granted by former Ghatwals at very inadequate quit rents, ousted them without recourse to any process of Law and they therefore sued him for possession with mesne profits.

39. Mr. Grant acknowledged the ouster, but pleaded justification, on the ground, that the leases which formed the basis of the alleged Mokurrereedar's tenure became void on the death of the former Ghatwal who granted them and that he, standing in the place of the present Ghatwal, had the right to avoid them and to oust holders under them.

40. The High Court held, as well in the first special appeal as in review, that they were not at liberty to go into the question of title and that as Mr. Grant had dispossessed the alleged Mokurreredars altogether without Warrant of Law, they must be replaced in possession there to remain until their title should be set aside in any regular suits that Mr. Grant might institute for that purpose.

41. With deference I think this was an erroneous view to take of the equity of the case and one that could only have, as it may still have, an issue equally injurious to both parties, that of further litigation for no good object gained.

42. Plaintiff's arguments were, that in virtue of their Mokurreree leases, they had a right to retain undisturbed possession of our Ward's lands; that we had disturbed this right by dispossessing them and that they therefore prayed for restitution of it. Our reply was that they had no such right and that we were therefore justified in our act of ouster.

43. The issue that arose directly out of the pleadings on either side and that both parties came prepared directly to contest, was this were Plaintiffs entitled to undisturbed possession in virtue of their Mokurreree leases? and this being so the Court was bound I think in equity to take this issue up. To take an example. If *A* lets *B* a house on a lease terminable with *A's* life time and if when *A* dies and *B* refuses to give up the House, *C*, *A's* heir at Law turns him out without recourse to Law, surely the Court would not think it necessary to put *B* back into possession in order to trying the point as to whether he was entitled so to be put back or not, though of course if *C* used violence in the act of turning *B* out, *B* would receive damages for such violence and so I think it should have been in this case, but by following the course I have described, the Court seems to me to have given no effectual relief at all but to have left the question which was ripe for their decision, exactly where it was before, subject only to further litigation.

44. The only foundation in Law that I can discover for the Court's judgment is that provision in Section XV., Act XIV., 1859 which declares that if any person, without his consent and without recourse to Law, has been dispossessed of immoveable property, he may recover possession, notwithstanding any adverse title set up and leaving such title for decision in another suit, but this Law was not in force when this particular suit was instituted, and it is in itself shewn to be exceptional, for it can only be enforced when the suit to recover possession has been instituted within six months from dispossession.

45. On the merits of the cases I am glad to be able to report that in all probability they will be settled amicably, but if this should not be the case I have little doubt we shall be successful in them.

No. 11.

SOOKANUND AND OTHERS—*Plaintiffs Appellants,*

Versus

GOVERNMENT—*Defendent Respondent.*

46. The following case was of some legal interest and pecuniary importance:—

47. The Plaintiffs were creditors of the late Kooer Singh to the extent of Rupees 26,000 and it being quite clear that of this sum all but Rupees 7,505-15-1¾ was secured by *bonâ fide* mortgages on Kooer Singh's Estates, the Governmemt paid off all but the above amount.

48. This amount was secured by two Kistbundies and, if these had been all the papers which covered the debts, the Government would not have been liable for them, but there was

a decree of the Civil Court, of date 1839, which also covered them and which was still alive; and as the Estate of Kooer Singh would certainly have been liable to sale in execution of this decree, so it seemed to my predecessor and all the Revenue Authorities, would the same Estate be liable to sale in execution of the same decree, if such execution were taken out against Government, as standing in the place of Kooer Singh, and under these circumstances the Board sanctioned a compromise of the case out of Court, a measure which was effected duly by the Collector.

No. 12.

COMMISSIONER OF SOONDERBUNS, ON BEHALF OF GOVERNMENT—*Defendant Appellant.*

Versus

RAJAH BARODAKANT ROY—*Plaintiff Respondent.*

49. In this case the Plaintiff sued the Commissioner of the Soonderbuns for the establishment of his right, as Zimindar of Pergunnah Sahoos, to beegahs 8,933, cottahs 11½ of land resumed by the Commissoner.

50. On the merits, the case was simply a boundary dispute (were the lands a part of the Government Estate of the Soonderbuns or of Plaintiffs decennially settled Estate Sahoos?) and two Judges, on those merits, considered that Jumma Wasil Bakee papers of 1200, 1202, 1203, and 1210 and quinquennial Registry papers of 1202 not duly registered under Regulation XLVIII., 1793, and prepared and filed in the Collectorate by the Zemindars themselves, and unattested by any official signature, when opposed to the evidence of Maps prepared by Lieutenant Morrison in 1810, 1811, 1812, and 1813, and by Captain Hodge's in 1831, were not sufficient evidence on the part of Plaintiff on whom the burden of proof rested, that the lands in dispute were a part of his decennially settled Estate.

51. In such a case there would ordinarily be little to remark, but as the Court in the particular instance called upon the Revenue Authorities, with reference to a Privy Council decision, to know whether or not they desired to withdraw their appeal, it is necessary to dwell more at length on the case.

52. The facts are these:—In 1837, a Mr. Lowth was informed that the lands in dispute were a part of the Government Estate of the Soonderbuns and that the Plaintiff in this case was in occupation of them as a part of his decennially settled Estate of Sahoos.

53. In 1838 the point came to an issue before Mr. Lowth, and on proof of Plaintiff's possession he decreed him the lands. In 1841 Mr. Commissioner Curtis upheld this decision, but with a proviso that although the lands were *not* entered in Hodge's Map as a part of the Soonderbuns, yet if thereafter they should be found so entered in any other Map; the Government claim should not be barred and his decision should be open to review.

54. In 1850 one Judge of the High Court, sitting as Special Commissioner, admitted the case to review; in 1852 another Judge, in the same capacity, restored the case to the file, remarking that the lands *were included* as Government Soonderbun lands in Hodge's Map, and a third Judge concurring, the case was remanded for retrial in February 1852.

55. In 1857 the Commissioner of the Soonderbuns and the Commissioner of the Division concurred in resuming the lands and the Plaintiff then brought the suit to set a side the resumption decree which is now under discussion, having been finally decreed to Government.

56. The result of this decision may shortly be stated to be that lands of which undoubtedly Plaintiff was in possession, rightly or wrongly, as a part of his decennially settled Estate some time before 1837 at latest, and of which he was allowed to continue in possession up to 1857, he has now been deprived of and it was with these facts in their minds and with regard to the bearing of Privy Council decision, 12th February 1857, (page 283 of Moore's Reports) upon these facts, that the Judges of the High Court gave the Revenue Authorities the opportunity of withdrawing from the Appeal in this case.

57. The grounds of the Privy Council decision in question are thus stated by the High Court.

58. On the 28th of January 1838 the Special Deputy Collector of Purneah resumed 13,915 beegahs of land belonging to the Moharajah. On the 9th of March 1842, the Special Commissioner released all the above lands, with the exception of 3,513 beegahs, rejecting the claim of Government to the remainder or to about 9,000 beegahs.

59. More than five years afterwards two Special Commissioners, on the 8th of June 1848 on an application for review of judgment, reversed the order of the Special Commissioner releasing the majority of the lands and restored the order of the Special Deputy Collector in its integrity.

60. On appeal to the Privy Council this order was reversed, the judgment of that tribunal rules that the Moharajah was fully justified in concluding the claim of the Government to have been set at rest, that it is most desirable that a review should take place before the Judges who originally heard the case; that the rules regarding reviews are as applicable to Special Commissioners as to Judges, that reviews ought to be granted within three months, or some special cause be shewn for the delay; and that such causes should be of great importance; that the reasons assigned in this case were wholly insufficient, that two Special Commissioners coming to a "decision not altogether reconcileable with the prior decree of the Special Commissioner is not a sufficient ground, after so many years for granting a review," and that the later proceedings being wholly irregular must fall to the ground.

61. It will be observed from this precis that the Judges of Privy Council were of opinion that reviews of judgment should not be admitted by the Courts, sitting in any capacity, unless applied for within a reasonable time and, if not within such time, unless good cause were shewn for the delay. The delay in this case was from 1841 to 1850 (or nine years!) and what cause could have been or if any was adduced for such a delay I have not been able to learn and I can not comprehend.

62. In 1841 the Commissioner found as a fact, that the lands were not included in the Soonderbuns in Hodge's Map, but he gave Government the opportunity of a review in case they found the lands were included in any other Maps. We have since proved that the lands were included in the Soonderbuns in Hodge's Map and were so included in Morrison's Maps, but why we should have taken nine years to find this out, there is nothing to shew and the *primâ facie* injustice of such a delay, to a person in possession like the Plaintiff, is very apparent and would no doubt have been even more decidedly disallowed than the five years' delay which the Privy Council disallowed in the case of 1859.

63. But on the real merits no injustice can be said to have been done to Plaintiff; for the lands in dispute were clearly ours and not his and as we have not claimed mesne profits, Plaintiff is now only ousted from the not unenviable position of a person who for some twenty-five or thirty years has been enjoying the whole usufruct of lands to which he had no sort of legal or equitable title whatever.

No. 13.

COMMISSIONER OF SOONDERBUNS ON BEHALF OF GOVERNMENT—*Defendant Appellant,*

Versus

RAJAH BARODAKANT ROY—*Plaintiff Respondent.*

64. This was a suit of the same nature and brought by the same person named in the last mentioned case and here the lands in dispute were beegahs 83,277-13¼ in extent, but in this case it was quite clear that the lands had been legally demarcated and awarded to Government as a part of the Soonderbuns on the 9th February 1829, in the presence of Plaintiff and as he had not sued to set aside this award within three months from the date of it, (this suit was instituted thirty years afterwards!) he was rightly put out of Court by the application of the Statute of Limitations under Clause II., Section XIII., Regulation III., 1828.

GOVERNMENT PLEADERS.

65. Baboo Kishen Kishore Ghose only joined his appointment as Senior Government Pleader on the 5th February last, and when he joined it, he was necessarily much hindered from pleading in Government cases by having been engaged, before his appointment, to plead on the other side. Nevertheless he appeared in eight special and in fifteen Regular appeals between the 5th of February and the 30th April 1863, and in the former he was successful in four and unsuccessful in four cases (these latter being in reality but one case) and in the latter he was successful in eleven cases, unsuccessful in two cases and had two remanded and generally I have found him most willing, zealous, and helpful in the discharge of his duties.

66. Baboo Juggadanund Mookerjee was Junior Government Pleader throughout the year under report, and the death of the late Rama Persad Roy in 1862 and the pre-occupation of the late Senior Gorvernment Pleader Sumbhoo Nauth Pundit and of the present Senior Government Pleader Kishen Kishore Ghose threw the chief burden of the Government work in 1862-63 on the Junior Government Pleader and I have every reason to be satisfied with his performance of it as the following table will shew:—

	Successful.	Unsuccessful.	Remanded.	Total.	REMARKS.
Government Regular appeals	18	3*	...	21	* Of these two were of the same nature, and in the third Government was cost in costs only.
Government Special appeals.	19	...	3	22	
Court of Wards' Regular appeals ...	5	11	2	18†	† In Court of Wards' cases it is to be remarked that most of them are instituted before the Estates come under the care of this Office, and that consequently we are as likely to inherit bad as good cases and are obliged to make the best of the cases we find pending.
Court of Wards' Special appeals ...	4	7‡	1	12	‡ In one of these we were unsuccessful as Court of Wards, but successful as Government.

67. In conclusion I regret to have to note that hereafter the Government will have to incur considerable additional expense as Law charges from several causes.

The first is the alteration in the Law by which the Government is now called upon to pay Peon's fees for execution of decrees for stamp duty in pauper suits and stamp duty on applications to Court for such execution. The charges for stamp duty will of course be almost nominal, representing merely the cost of the paper to which the stamps are affixed. The charges for Peon's fees will be recoverable, like other costs, in execution of decrees, but as we seldom realize much from these decrees, the additional sums of Peon's fees to be realized will frequently be only an additional loss to us. And secondly we shall have to incur additional expense in the shape of an increase of Establishment on the grounds detailed in my letter to Government, No. 1229 of the 24th June last.

I have the honor to be,

SIR,

Your most obedient servant,

C. P. HOBHOUSE,

Superintendent and Remembrancer of Legal Affairs.

FORT WILLIAM,
The 11th August 1863.

A.

STATEMENT FOR THE YEAR 1862-63.

CASES instituted to establish some substantial right.

1	2								3								4							
	SUITS TO ESTABLISH A TITLE TO HOLD LAND RENT-FREE OR AT A FIXED ASSESSMENT.								SUITS FOR LAND, OR FOR THE RENT OF LAND ARISING OUT OF SETTLEMENT PROCEEDINGS.								SUITS TO ESTABLISH A TITLE TO ENGAGE FOR LANDS UNDER SETTLEMENT.							
	Total.	Decisions.						Pending.	Total.	Decisions.						Pending.	Total.	Decisions.						Pending.
		Favorable.			Unfavorable.					Favorable.			Unfavorable.					Favorable.			Unfavorable.			
	No.	No.	Rs. As. P.	No.	Rs. As. P.	No.	Rs. As. P.		No.	No.	Rs. As. P.	No.	Rs. As. P.	No.	Rs. As. P.		No.	No.	Rs. As. P.	No.	Rs. As. P.	No.	Rs. As. P.	
High Court Appeals ...	19	19	3,288 13 0	0	0 0 0	0	0 0 0		29	18	16,051 13 0	0	0 0 0	11	56,939 0 0		8	4	496 15 0	1	1,594 14 0	3	10,318 8 0	
Zillah Appeals ...	5	2	4,137 1 0	0	0 0 3	3	901 10 0		76	36	18,632 9 0	7	3,789 14 0	33	13,613 7 0		12	10	9,949 14 0	0	0 0 0	2	55 12 0	
Original Suits ...	12	7	9,520 13 3	2	4,132 4 3	3	1,878 10 0		161	83	27,238 2 0	35	10,130 11 0	43	1,57,345 12 0		14	7	8,818 1 0	3	825 14 0	4	16,955 4 0	
Total ...	36	28	13,946 11 3	2	4,132 4 6	6	2,780 4 0		266	137	62,422 8 0	42	13,920 9 0	87	2,27,948 3 0		34	21	19,264 14 0	4	2,420 12 0	9	27,329 8 0	

1	5								6								7								8							
	SUITS TO ESTABLISH A TITLE TO VACANT POSSESSION AND PROPERTIES CLAIMED BY OR ESCHEATED TO GOVERNMENT.								SUITS FOR REINSTATEMENT OF OFFICE FROM WHICH CLAIMANTS HAVE BEEN DISMISSED BY LOCAL AGENTS OR OTHER AUTHORITIES.								SUITS FOR THE RECOVERY OF SALARIES, MALIKANA, PENSIONS, FEES, &c.								SUITS FOR THE RECOVERY OF SUMS UNJUSTLY REALIZED, FOR THE RECOVERY OF RENTS UNDULY LEVIED, OR FOR THE RECOVERY OF RECEIPTS FOR RENTS, OR FOR EXONERATION FROM UNJUST DEMAND.							
	Total.	Decisions.						Pending.	Total.	Decisions.						Pending.	Total.	Decisions.						Pending.	Total.	Decisions.						Pending.
		Favorable.			Unfavorable.					Favorable.			Unfavorable.					Favorable.			Unfavorable.					Favorable.			Unfavorable.			
	No.	No.	Rs. As. P.	No.	Rs. As. P.	No.	Rs. As. P.		No.	No.	Rs. As. P.	No.	Rs. As. P.	No.	Rs. As. P.		No.	No.	Rs. As. P.	No.	Rs. As. P.	No.	Rs. As. P.		No.	No.	Rs. As. P.	No.	Rs. As. P.	No.	Rs. As. P.	
High Court Appeals ...	0	0	0 0 0	0	0 0 0	0	0 0 0		0	0	0 0 0	0	0 0 0	0	0 0 0		3	3	684 15 0	0	0 0 0	0	0 0 0		3	1	0 0 0	1	0 0 0	1	5,000 0 0	
Zillah Appeals ...	0	0	0 0 0	0	0 0 0	0	0 0 0		0	0	0 0 0	0	0 0 0	0	0 0 0		0	0	0 0 0	0	0 0 0	0	0 0 0		3	2	1,363 0 0	0	0 0 0	1	2,167 6 0	
Original Suits ...	5	3	1,321 9 0	0	0 0 0	2	39 8 0		0	0	0 0 0	0	0 0 0	0	0 0 0		8	2	2,516 0 0	4	647 0 0	2	624 4 0		8	4	836 3 0	1	9 2 0	3	12,855 10 0	
Total ...	5	3	1,321 9 0	0	0 0 0	2	39 8 0		0	0	0 0 0	0	0 0 0	0	0 0 0		11	5	3,200 15 0	4	647 0 0	2	624 4 0		14	7	2,204 3 0	2	9 2 0	5	20,023 0 0	

1	9								10								11							
	SUITS FOR WASILUT, OR FOR THE RECOVERY OF COSTS, OR SURPLUS COLLECTIONS AFTER AN ADJUSTMENT OF ACCOUNTS, OR VALUE OF PROPERTY OR PURCHASE MONEY.								SUITS TO OBTAIN POSSESSION OF LAND, ESTATES, OR OTHER PROPERTY, OR FOR THE RECOVERY OF RENTS, OR COMMON OR BOND DEBTS.								SUITS IN WHICH GOVERNMENT HAS BEEN MADE A DEFENDANT *PROFORMA*.							
	Total.	Decisions.						Pending.	Total.	Decisions.						Pending.	Total.	Decisions.						Pending.
		Favorable.			Unfavorable.					Favorable.			Unfavorable.					Favorable.			Unfavorable.			
	No.	No.	Rs. As. P.	No.	Rs. As. P.	No.	Rs. As. P.		No.	No.	Rs. As. P.	No.	Rs. As. P.	No.	Rs. As. P.		No.	No.	Rs. As. P.	No.	Rs. As. P.	No.	Rs. As. P.	
High Court Appeals ...	3	2	2,427 14 0	0	0 0 0	1	1,556 7 0		115	33	3,73,669 9 0	11	3,41,089 13 0	72	51,83,865 13 0		3	1	120 8 0	0	0 0 0	2	768 0 0	
Zillah Appeals ...	23	7	3,321 11 0	2	3,120 8 0	13	12,546 3 0		198	76	46,658 10 0	28	25,092 7 0	93	62,261 2 0		17	11	8,326 1 0	0	0 0 0	6	1,158 8 0	
Original Suits ...	61	44	30,494 5 0	9	23,075 5 0	8	19,123 6 0		357	192	1,60,178 7 0	53	2,12,112 11 0	118	2,04,100 2		30	17	9,676 2 0	2	1,446 14 0	11	17,046 10 0	
Total ...	88	53	36,243 14 0	11	26,195 13 0	22	33,226 6 0		670	301	5,76,506 10 0	93	5,78,294 15 0	283	54,50,227 5 0		50	29	18,632 11 0	2	1,446 14 0	19	18,973 2 0	

FORT WILLIAM,
The 11th August 1863.

C. P. HOBHOUSE,
Superintendent and Remembrancer of Legal Affairs.

B.

CASES Instituted to obtain redress for Official acts.

1	2												3												4												5											
	SUITS FOR THE REVERSAL OF REVENUE SALES ON THE PLEAS OF INFORMALITY, NON-LIABILITY, &c.												SUITS FOR REVERSAL OF SALES IN EXECUTION OF DECREES ON THE PLEAS OF INFORMALITY, NON-LIABILITY, &c.												SUITS FOR THE REVERSAL OF SALES OF PROPERTY PLEDGED AS SECURITY ON THE PLEA THAT THE PROPERTY SOLD WAS NOT LIABLE, OR ON OTHER PLEAS												SUITS TO STAY REVENUE SALES, OR SALES IN EXECUTION OF DECREES, OR SALES OF PROPERTY PLEDGED AS SECURITY.											
	Total.	Decisions.								Pending.			Total.	Decisions.								Pending.			Total.	Decisions.								Pending.			Total.	Decisions.								Pending.		
		Favorable.				Unfavorable.								Favorable				Unfavorable.								Favorable.				Unfavorable.								Favorable.				Unfavorable.						
	No.	No.	Rs.	As.	P.	No.	Rs.	As.	P.	No.	Rs.	As.	P.	No.	Rs.	As.	P.	No.	Rs.	As.	P.	No.	Rs.	As.	P.	No.	Rs.	As.	P.	No.	Rs.	As.	P.	No.	Rs.	As.	P.	No.	Rs.	As.	P.	No.	Rs.	As.	P.	No.	Rs.	As.	P.
High Court Appeals ...	5	0	0	0	0	0	0	0	0	5	19,036	11	0	1	0	0	0	0	0	0	0	1	61,275	7	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Zillah Appeals ...	5	4	3,591	6	0	0	0	0	0	1	477	9	0	1	1	259	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Original Suits ...	8	5	19,335	15	0	0	0	0	0	0	17,169	5	0	2	1	16	0	0	0	0	0	1	305	0	0	1	0	0	0	0	0	0	0	1	11,843	8	0	0	0	0	0	0	0	0	0	0	0	0
Total	18	9	22,927	5	0	0	0	0	0	9	56,683	9	0	4	2	274	0	0	0	0	0	2	61,580	7	0	1	0	0	0	0	0	0	0	1	11,843	8	0	0	0	0	0	0	0	0	0	0	0	0

1	6												7												8												9											
	SUITS OF THIRD PARTIES ADVANCING CLAIM TO LAND ATTACHED OR SOLD BY GOVERNMENT AS BELONGING TO OTHERS.												SUITS IMPROPERLY INSTITUTED AGAINST OFFICERS OVER WHOM IN THEIR OFFICIAL CAPACITY THE CIVIL COURT HAS NO JURISDICTION.												SUITS TO CONTEST ORDERS REVERSING SALES, OR REGARDING THE CONFIRMATION OR QUASHING OF BUTWARRAHS, OR THE IMPOSITION OF FINES.												SUITS FOR DAMAGES ON ACCOUNT OF ACTS DONE BY REVENUE OR OTHER OFFICERS.											
	Total.	Decisions.								Pending.			Total.	Decisions.								Pending.			Total.	Decisions.								Pending.			Total.	Decisions.								Pending.		
		Favorable.				Unfavorable.								Favorable.				Unfavorable.								Favorable.				Unfavorable.								Favorable.				Unfavorable.						
	No.	No.	Rs.	As.	P.	No.	Rs.	As.	P.	No.	Rs.	As.	P.	No.	No.	Rs.	As.	P.	No.	Rs.	As.	P.	No.	Rs.	As.	P.	No.	No.	Rs.	As.	P.	No.	Rs.	As.	P.	No.	Rs.	As.	P.	No.	No.	Rs.	As.	P.	No.	Rs.	As.	P.
High Court Appeals ...	4	1	1,720	5	0	0	0	0	0	3	31,264	5	0	0	0	0	0	0	0	0	0	0	0	0	0	2	0	0	0	0	0	0	0	0	2	16,581	3	0	1	1	15,333	5	0	0	0	0	0	0	0	0
Zillah Appeals ..	19	12	9,296	9	0	0	0	0	0	7	1,696	1	0		0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Original Suits ...	31	23	70,701	0	0	3	482	0	0	5	189	0	0	2	2	155	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	3	2	30,184	6	0	1	130	0	0	0	0	0
Total	54	36	81,716	14	0	3	482	0	0	15	32,549	6	0	2	2	155	0	0	0	0	0	0	0	0	0	2	0	0	0	0	0	0	0	0	2	16,581	3	0	4	3	45,517	11	0	1	130	0	0	0	0	0

FORT WILLIAM,
The 11th August 1863.

C. P. HOBHOUSE,
Superintendent and Remembrancer of Legal Affairs.

C.

CASES in which Government is Plaintiff

1	2								3								4							
	SUITS TO ESTABLISH A TITLE TO ASSESS, OR TO LEVY AN ENHANCED ASSESSMENT.								SUITS FOR RECOVERY OF SUMS MISAPPROPRIATED FROM DEFAULTERS OR THEIR SURETIES.								SUITS FOR REFUND OF MONEY PAID TO PARTIES NOT ENTITLED TO IT.							
	Total	Decisions.						Pending.	Total	Decisions.						Pending.	Total	Decisions.						Pending.
		Favorable.			Unfavorable.					Favorable.			Unfavorable.					Favorable.			Unfavorable.			
	No.	No.	Rs. As. P.		No.	Rs. As. P.		No.	Rs. As. P.	No.	No.	Rs. As. P.		No.	Rs. As. P.		No.	No.	Rs. As. P.		No.	Rs. As. P.		No.	Rs. As. P.
High Court Appeals	0	0	0	0	0	0	0	0	0	1	1	1,524	6	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Zillah Appeals	2	2	0	0	0	0	0	0	0	1	1	2,919	3	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Original Suits	0	0	0	0	0	0	0	0	0	4	4	28,408	0	0	0	0	0	0	0	0	0	0	0	0	1	0	0	0	0	1	604	5	0
Total	2	2	0	0	0	0	0	0	0	6	6	32,851	9	0	0	0	0	0	0	0	0	0	0	0	1	0	0	0	0	1	604	5	0

1	5								6								7							
	SUITS FOR THE RECOVERY OF SUMS FROM PARTIES OR THEIR SURETIES FOR NON-FULFILMENT OF CONTRACT.								SUITS FOR POSSESSION OF LAND, OR THE RENT OF LAND OR FOR THE RECOVERY OF DEBTS.								SUITS TO IMPOSE FINES FOR THE INFRACTION OF THE SALT LAWS.							
	Total.	Decisions.						Pending.	Total	Decisions.						Pending.	Total	Decisions.						Pending.
		Favorable.			Unfavorable.					Favorable.			Unfavorable.					Favorable.			Unfavorable.			
	No	No	Rs. As. P.		No.	Rs As. P.		No	Rs. As. P.	No.	No.	Rs. As. P.		No.	Rs. As. P.		No.	No.	Rs. As. P.		No	Rs. As. P.		No	Rs. As. P.
High Court Appeals	4	3	12,952	11	0	0	0	0	0	1	5	4	25,400	3	0	0	0	0	1	1,238	5	0	0	0	0	0	0	0	0	0	0	0
Zillah Appeals	8	5	3,726	2	0	0	0	0	3	860	6	0	63	3	2,049	8	0	3	3,617	12	0	5	10,201	0	0	0	0	0	0	0	0	0	0
Original Suits	236	161	36,814	0	0	46	13,215	14	0	37	15,284	13	0	19	9	6,816	13	0	5	8,205	9	0	5	4,242	15	0	0	0	0	0	0	0	0
Total	248	169	53,492	13	0	46	13,215	14	0	41	18,969	3	0	87	16	34,266	8	0	8	11,823	5	0	11	15,682	4	0	0	0	0	0	0	0	0

FORT WILLIAM,
The 11th August 1863.

C. P. HOBHOUSE,
Superintendent and Remembrancer of Legal Affairs.

C. C.

GENERAL ABSTRACT STATEMENT of Suits in the Civil Court, in which Government is a party, disposed of, and pending during the Year 1862-63.

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17
	ORIGINAL SUITS.							APPEALS.								
COURT.	Number pending on the 30th April 1862.	Number instituted from 1st May 1862 to 30th April 1863.	Total.	DECIDED WITHIN THE YEAR. In favor of Government.	Against Government.	Total.	Pending on the 30th April 1863.	Number pending on the 30th April 1862.	Number instituted from 1st May 1862 to 30th April 1863.	Total.	DECIDED WITHIN THE YEAR. In favor of Government.	Against Government.	Total.	Pending on the 30th April 1863.	Number of cases in which Government lost twice.	
HIGH COURT ...	.....	.....	.....	.....	.....	.....	.....	165	42	207	91	13	104	103	10	
Patna ...	1	4	5	3	2	5	.....	1	.....	1	1	.....	1	.....	.....	
Behar ...	5	3	8	5	2	7	1	6	8	14	6	.....	6	8	.....	
Sarun ...	1	4	5	2	.....	2	3	.....	3	3	2	.....	2	1	.....	
Shahabad ...	9	5	14	8	4	12	2	5	7	12	7	4	11	1	2	
Tirhoot ...	1	5	6	2	.....	2	4	.....	1	1	1	.....	1	.....	.....	
Bhaugulpore ...	3	10	13	7	2	9	4	1	1	2	2	.....	2	.....	.....	
Monghyr ...	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	
Purneah ...	1	14	15	14	.....	14	1	4	.....	4	4	.....	4	.....	.....	
Moorshedabad ...	17	5	22	6	12	18	4	.....	11	11	.....	11	11	.....	11	
Rajshahye ...	2	1	3	3	.....	3	.....	.....	.....	.....	.....	.....	.....	.....	.....	
Pubna ...	3	1	4	2	1	3	1	2	.....	2	2	.....	2	.....	.....	
Rungpore ...	2	3	5	3	2	5	.....	1	1	2	.....	.....	.....	.....	.....	
Bograh ...	3	.....	3	1	2	3	.....	1	.....	1	1	.....	1	2	.....	
Dinagepore ...	2	.....	2	1	1	2	.....	1	.....	1	.....	.....	.....	1	.....	
Maldah ...	4	4	8	2	3	5	3	8	5	13	8	.....	8	5	.....	
Burdwan ...	75	19	94	82	2	84	10	7	16	23	4	1	5	18	.....	
Hooghly ...	28	12	40	19	9	28	12	7	20	27	13	.....	13	14	.....	
Bancoorah ...	21	24	45	24	2	26	19	61	35	96	35	9	44	52	8	
Beerbhoom ...	16	18	34	11	2	13	21	3	5	8	7	.....	7	1	.....	
Midnapore ...	95	39	134	74	54	128	6	2	10	12	8	1	9	3	1	
Nuddea ...	2	4	6	3	2	5	1	3	3	6	4	.....	4	2	.....	
24-Pergunnahs ...	95	103	198	144	6	150	48	14	7	21	11	1	12	9	.....	
Carried over ...	386	278	664	416	108	524	140	292	175	467	207	40	247	220	32	

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17
	ORIGINAL SUITS.							APPEALS.								
				DECIDED WITHIN THE YEAR.							DECIDED WITHIN THE YEAR.					
COURT	Number pending on the 30th April 1862.	Number instituted from 1st May 1862 to 30th April 1863.	Total.	In favor of Government.	Against Government.	Total.	Pending on the 30th April 1863.	Number pending on the 30th April 1862.	Number instituted from 1st May 1862 to 30th April 1863.	Total.	In favor of Government.	Against Government.	Total.	Pending on the 30th April 1863.	Number of cases in which Government lost twice.	
Brought forward ...	386	278	664	416	108	524	140	292	175	467	207	40	247	220	32	
Soonderbuns	...	14	14	4	...	4	10	...	5	5	1	...	1	4	...	
Jessore	11	5	16	4	3	7	9	1	1	2	...	...	...	2	...	
Dacca	63	50	133	69	27	96	37	8	27	35	11	3	14	21	...	
Furreedpore	4	21	25	4	1	5	20	...	4	4	...	...	...	4	...	
Sylhet	3	17	20	12	1	13	7	1	4	5	4	...	4	1	...	
Mymensing	29	10	39	18	16	34	5	16	16	32	23	9	32	...	...	
Backergunge	8	7	15	6	2	8	7	6	2	8	5	...	5	3	...	
Cuttack	...	1	1	1	...	1	...	...	1	1	1	...	1	...	...	
Balasore	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
Pooree	...	3	3	...	2	2	1	...	...	...	...	...	...	...	...	
Bullooah	3	5	8	5	1	6	2	1	...	1	1	...	1	...	...	
Chittagong	12	7	19	17	...	17	2	2	8	10	3	1	4	6	...	
Tipperah	5	4	9	3	5	8	1	5	5	10	2	...	2	8	...	
Maunbhoom	2	11	13	7	...	7	6	6	1	7	5	1	6	1	1	
Total ...	546	433	979	566	166	732	247	338	249	587	263	54	317	270	33	

FORT WILLIAM,
The 11th August 1863.

C. P. HOBHOUSE,
Superintendent and Remembrancer of Legal Affairs.

D.

STATEMENT shewing the Amount expended in Litigation, as contrasted with the Sums actually realized by Government under Decrees of Court in the Revenue Department, from 1st May 1862 to 30th April 1863.

Divisions.	Zillah.	Nature of Receipts. Sums awarded in favor of Government in Regular Suits.	Costs awarded in favor of Government whether in actions for or against Government.	Costs in Privy Council Appeals realized.	Costs in Pauper Suits realized, exclusive of Stamp Fees.	Costs in all other cases realized.	All sums otherwise realized in Judicial Proceedings.	Total.	Nature of Disbursements. Amount, including Costs, awarded against Government in Regular Suits.	Amount expended in prosecution of Suits in Court.	Amount expended in defence of Suits in Court.	Amount advanced in Privy Council Appeals.	Amount advanced in Pauper Suits, exclusive of Stamp Fees.	Miscellaneous disbursements on account of Judicial Proceedings other than those above adverted to.	Total.	Remarks.
		Rs. As. P.	Rs. As. P.	Rs. As. P.	Rs. As. P.	Rs. As. P.	Rs. As. P.	Rs. As. P.	Rs. As. P.	Rs. As. P.	Rs. As. P.	Rs. As. P.	Rs. As. P.	Rs. As. P.	Rs. As. P.	
Patna.	Patna	9 12 10	257 6 5	... ...	168 6 9	... ...	... ...	435 10 0	53 1 0	... ...	8 0 0	... ...	11 0 4	62 8 10	134 10 2	
	Behar	... ...	1,106 4 0	... ...	... ...	... ...	... ...	1,106 4 0	3,687 13 6	332 12 0	146 1 9	... ...	... ...	57 13 2	4,224 8 5	
	Sarun	... ...	74 1 8	... ...	... ...	... ...	... ...	74 1 8	102 1 0	0 8 0	55 6 8	... ...	... ...	2 10 0	160 9 8	
	Shahabad	... ...	476 12 0	... ...	527 10 0	... ...	... ...	1,004 6 0	4,431 11 0	2,217 13 7	412 1 0	... ...	0 6 0	1 0 0	7,002 15 7	
	Tirhoot	... ...	678 8 8	... ...	... ...	... ...	... ...	678 8 8	... ...	58 12 8	70 12 6	... ...	0 4 0	... ...	129 13 2	
Bhaugulpore.	Bhaugulpore	... ...	496 4 3	... ...	... ...	... ...	... ...	496 4 3	... ...	... ...	1 8 0	... ...	3 0 0	4 15 3	9 7 3	
	Monghyr	... ...	10 15 9	... ...	... ...	6 8 0	0 12 5	18 4 2	... ...	... ...	... ...	... ...	... ...	29 0 0	29 0 0	
	Purneah	... ...	71 4 0	... ...	0 8 0	... ...	36 8 0	108 4 0	1,090 4 3	... ...	1,490 3 7	... ...	... ...	... ...	2,580 12 10	
Rajshahye.	Moorshedabad	... ...	523 1 10	... ...	... ...	... ...	... ...	523 1 10	259 1 3	202 5 9	979 4 11	... ...	... ...	4 14 0	1,445 9 11	
	Rajshahye	... ...	... ...	... ...	... ...	... ...	... ...	... ...	... ...	5 8 0	11 2 0	... ...	... ...	1 8 0	18 2 0	
	Pubna	... ...	13 5 0	... ...	... ...	... ...	... ...	13 5 0	... ...	... ...	... ...	... ...	... ...	17 0 0	17 0 0	
	Rungpore	... ...	45 0 0	... ...	... ...	... ...	... ...	45 0 0	... ...	11 1 0	30 8 0	... ...	... ...	... ...	41 9 0	
	Bograh	... ...	118 13 0	... ...	... ...	... ...	... ...	118 13 0	... ...	... ...	220 11 4	... ...	... ...	... ...	22[illegible] 11 4	
	Dinagepore	67 5 9	1,128 10 1	... ...	7 11 0	... ...	... ...	1,203 10 10	245 14 2	101 0 0	8 4 2	... ...	... ...	15 2 0	370 4 4	
	Maldah	... ...	9 14 9	... ...	... ...	... ...	... ...	9 14 9	... ...	204 9 6	114 12 0	... ...	28 11 0	48 0 8	396 1 2	
Burdwan.	Burdwan	... ...	1,401 4 11	... ...	636 11 0	... ...	... ...	2,037 15 11	35 5 3	215 12 0	3 0 0	... ...	... ...	... ...	254 1 3	
	Hooghly	... ...	... ...	... ...	... ...	... ...	... ...	... ...	... ...	... ...	... ...	... ...	... ...	... ...	... ...	
	Bancoorah	... ...	278 0 10	... ...	... ...	... ...	... ...	278 0 10	27 11 3	107 18 0	138 13 0	... ...	... ...	51 7 0	325 12 3	
	Beerbhoom	... ...	40 14 2	... ...	... ...	... ...	... ...	40 14 2	32 6 0	... ...	... ...	... ...	... ...	... ...	32 6 0	
	Midnapore	... ...	225 0 4	... ...	... ...	... ...	48 11 8	273 12 0	730 1 9	3 12 0	196 9 3	... ...	... ...	70 15 0	1,001 6 3	
	Carried over ...	77 2 7	6,955 11 8	... ...	1,360 14 9	6 8 0	86 0 1	8,466 3 5	10,695 6 5	3,461 10 6	3,887 7 5	... ...	43 5 4	366 13 11	18,454 12 6	

Divisions	Zillah	Nature of Receipts: Sums awarded in favor of Government in Regular Suits	Costs awarded in favor of Government whether in actions for or against Government	Costs in Privy Council Appeals realized	Costs in Pauper Suits realized exclusive of Stamp Fees	Costs in all other cases realized	All sums otherwise realized in Judicial Proceedings	Total	Nature of Disbursements: Amount, including Costs awarded against Government in Regular Suits	Amount expended in prosecution of Suits in Court	Amount expended in defence of Suits in Court	Amount advanced in Privy Council Appeals	Amount advanced in Pauper Suits exclusive of Stamp Fees	Miscellaneous disbursements on account of Judicial Proceedings other than those above adverted to	Total	Remarks
		Rs. As P	Rs. As P	Rs. As P	Rs. As P	Rs. As P	Rs. As P	Rs. As P	Rs. As P	Rs. As P	Rs. As P	Rs. As P	Rs. As P	Rs. As P	Rs. As P	
	Brought forward	77 2 7	6,955 11 8		1,360 14 9	6 8 0	86 0 1	8,466 3 5	10,695 6 5	3,461 10 6	3,867 7 5		43 5 4	366 13 11	18,404 12 6	
Nuddea	Nuddea		34 10 10					34 10 10	864 8 0	59 11 0	649 9 4				1,573 12 4	
	24 Pergunnahs		2,429 1 11					2,429 1 11		296 7 0	171 8 0			3,401 6 8	3,872 5 8	
	Jessore															
	Soonderbuns		1,360 2 9					1,360 2 9		620 2 9	1,447 1 0				2,067 3 9	
Dacca	Dacca	255 0 6½	20 8 0					275 8 6½	1,439 8 3	207 6 9	2,310 9 0				3,907 8 0	
	Furreedpore										13 0 0				13 0 0	
	Sylhet	1,161 15 9	92 3 10					1,254 3 7			77 6 0				77 6 0	
	Mymensing		551 9 6					551 9 6	3,256 11 3	80 9 0	1,773 8 9				5,110 13 0	
	Backergunge		196 12 4					196 12 4	1,424 8 10	28 5 6	901 10 0		27 7 0	11 8 0	2,443 7 4	
Cuttack	Cuttack		1 4 4		1 0 0			2 4 4					3 0 0		3 0 0	
	Balasore				134 4 0			134 4 0					1 8 0	37 8 0	39 0 0	
	Pooree				51 0 0			51 0 0		17 15 6			5 0 0		22 15 6	
Chittagong	Chittagong		93 5 4					93 5 4		11 3 0	0 8 0			122 6 0	134 1 0	
	Tipperah	467 4 2	22 8 7					489 12 9	643 2 1				7 12 0	14 2 3	665 0 4	
	Bullooah		7 9 3					7 9 3						117 7 6	117 7 6	
Hazareebaugh	Hazareebaugh															
	Lohardugga															
	Maunbhoom		11 5 0					11 5 0		262 12 0	86 11 0			4 0 0	363 7 0	
	Durgung		100 0 0		144 4 9			244 4 9					144 4 9		144 4 9	
	Total	1,961 7 0½	10,876 11 4		1,671 11 6	6 8 0	86 0 1	14,602 5 11½	18,536 6 0	5,058 13 0	11,525 9 8		232 5 1	4,318 4 4	39,671 6 1	

Fort William,
The 11th August 1863

C P HOBHOUSE,
Superintendent and Remembrancer of Legal Affairs

E.

STATEMENT shewing the Amount expended in Litigation, as contrasted with the Sums actually realized by Government under Decrees of Court in the Salt and Opium Departments, from 1st May 1862 to 30th April 1863.

	Nature of Receipts.						Nature of Disbursements.					Remarks
	Sums awarded in favor of Government in Regular Suits.	Costs awarded in favor of Government whether in actions for or against Government.	Fines and Penalties realized through the intervention of the Courts of Justice	Costs in all other cases realized.	All sums otherwise realized in Judicial Proceedings.	Total.	Amount, including costs, awarded against Government in Regular Suits	Amount expended in prosecution of Suits in Court	Amount expended in defence of Suits in Court	Miscellaneous Disbursements on account of Judicial Proceedings other than those adverted to	Total.	
Salt Department.	Rs. As. P	Rs. As. P.	Rs As. P.	Rs. As. P	Rs. As. P.	Rs. As. P.	Rs As. P	Rs. As. P	Rs. As. P.	Rs As. P.	Rs. As P.	
Cuttack Agency	...	.. ..	.....	....	....	..		3 14 0	. ...	.. .	3 14 0	
Balasore ditto	. ..	. ....	.....	. ...	.... .	..	.....	...	. .	... ..		
Pooree ditto	. ....	.. ...	.. .	.		... .	....	16 13 4	...	.	16 13 4	
Hidjellee ditto	... ..	... ..	... ..	.. ...	156 5 7	156 5 7	928 2 7	.....	..	736 13 3	1,664 15 10	
Tumlook ditto	.. ..	.....	... ..	. ..	.. ...	. ..	6 15 0	99 11 0	17 0 8	.....	123 10 8	
24-Pergunnahs ditto	... ..	.. ..	.....	... ..	.....	. .	.	. .	...	.....	. .	
Chittagong ditto	1,627 6 9	.. ..	.....	.....	...	1,627 6 9	..	. . .	... .	19 3 0	19 3 0	
Backergunge Superintendency	.. ..	..	. .	... .	.. ..	.....		. ..	... ..	...	...	
Western ditto	64 8 3	.. ..	.. . .	882 10 4	.. ...	947 2 7	....	.....	.. ...	1,010 8 6	1,010 8 6	
Chittagong ditto	963 13 10	. ..	.. ..	.. ...	488 0 9	1,451 14 7	21 9 0	. .	.....	.. . .	21 9 0	
Total	2,655 12 10	.	..	882 10 4	644 7 4	4,183 14 6	956 10 7	120 6 4	17 0 8	1,766 8 9	2,860 10 4	
Behar Opium Agency	.	153 0 0	... ..	.	1 3 0	154 3 0	... ..	32 0 0	142 0 0	4 3 9	178 3 9	
Grand Total	2,655 12 10	153 0 0	.....	882 10 4	645 10 4	4,337 1 6	956 10 7	152 6 4	159 0 8	1,770 12 6	3,038 14 1	

Fort William,
The 11th August 1863.

C P. HORHOUSE,
Superintendent and Remembrancer of Legal Affairs.

G.

GENERAL ABSTRACT STATEMENT shewing the Amounts decreed in favor of Government in the Revenue Department realized and outstanding on the 1st May 1863.

Divisions	Zillah	Outstanding on the 1st May 1862			Awarded in favor of Government from 1st May 1862 to 30th April 1863			Total	Realized during the year 1862-63	Balance.	Deduct Remitted by order of the Commissioner of Revenue or other Authorities	Net Balance outstanding on the 1st May 1863.	Remarks
		Principal.	Interest.	Costs	Principal.	Interest.	Costs						
		Rs. As P	Rs As P	Rs. As P	Rs. As. P	Rs As P	Rs As P	Rs As. P	Rs As. P	Rs. As P	Rs. As. P	Rs. As. P	
Patna	Patna	99 10 0	149 15 1	11 8 0	116 2 4	75 15 4	20 0 0	473 2 9	267 3 3	205 15 6		205 15 6	
	Behar	4,290 13 5		180 5 9	301 10 9	364 10 4	38 8 2	5,231 0 5	1,106 4 0	4,124 12 5	3,058 10 2	1,066 2 3	
	Saran			1 793 12 9¾		18 5 9	27 8 0	1,839 10 6¾	74 1 8	1 765 8 10¾		1,765 8 10¾	
	Shahabad	36,494 9 7	49 5 3	7,140 9 7	3,104 2 3¼	78 7 0	213 5 2	47,130 6 10¼	476 12 0	46,653 10 10¼	2 11 3	46 650 15 7¼	
	Tirhoot	332 9 10		4 14 6	937 1 3	40 11 8	68 0 2	1,383 5 5	678 8 8	704 12 9		704 12 9	
Bhaugulpore	Bhangulpore	1,447 1 8	29 12 3	68 8 0	42 12 3	4 15 1	3 0 0	1,596 1 3	496 4 3	1 099 13 0		1,099 13 0	
	Moonghyr			179 1 9			1 635 5 0	1,814 6 9	10 15 9	1,803 7 0		1,803 7 0	
	Purneah			586 4 11			349 0 5	930 5 4	64 0 0	871 5 4		871 5 4	
Rajshahye	Moorshedabad			3,162 0 4			853 0 11	4,015 1 3	523 1 10	3,491 15 5		3,491 15 5	
	Rajshahye			512 14 2¼			75 8 3	588 6 5¼	13 5 0	575 1 5¼	61 15 9¼	513 1 8	
	Pubna			611 13 2			40 0 0	656 13 2	45 0 0	611 13 2		611 13 2	
	Rungpore			227 10 0		14 5 10	88 1 7	330 1 5	118 13 0	211 4 5		211 4 5	
	Bograh				939 6 6	162 6 3	26 13 4	1 424 1 0	1,196 15 10	228 2 2		228 1 2	
	Dinagepore	295 6 11			208 0 0	6 2 8	312 0 6	1,082 2 7	9 14 9	1,072 3 10		1,072 3 10	
	Maldah	550 15 5											
Burdwan	Burdwan	2,475 5 9½		71 3 11	1,324 4 11	18 2 3	7 12 0	3,896 12 10½	1,401 4 11	2,495 7 11½		2,495 7 11½	
	Hooghly												
	Bancoorah	3,393 13 1		51 3 0	945 10 9	70 13 5	51 7 0	4 512 15 3	278 0 10	4,234 14 5		4,234 14 5	
	Beerbhoom	541 2 8			29 5 1	0 5 0	11 12 2	582 8 11	40 14 2	541 10 9		541 10 9	
	Midnapore	1,432 0 10		1,569 11 7			710 11 1	3,712 7 6	220 0 4	3,487 7 2		3,487 7 2	

NUDDEA	Nuddea							1,938	0	9½				1	1	11	12	8	0	1,951	10	8	34	10	10	1,916	15	10½				1,916	15	10½
	24-Pergunnahs		6,707	1	0½	233	5	9	224	15	3½	5,449	6	9	166	10	3	23	2	0	12,894	9	1½	2,429	6	0	10,465	3	1				10,465	3	1
	Jessore		182	11	2½	...			52	12	0	96	11	10	9	8	10½	16	9	0	358	4	[illegible]		..	..	358	4	11				358	4	11
	Soonderbuns		7,467	15	11		...		103	13	0	578	2	2	253	14	1	39	10	0	8,443	7	2	1,360	2	9	7,083	4	5	...	.	.	7,083	4	5
DACCA	Dacca ...		276	0	2½	.			49	8	0	1,158	6	11¾	88	8	7¾	65	3	0	1,637	10	10	275	8	6½	1,362	2	3¾				1,362	2	3¾
	Furreedpore						..		425	9	11					...		56	7	2	482	1	1				482	1	1			.	482	1	1
	Sylhet	..	1,003	0	5	..	.					81	1	7	147	14	7	56	15	0	1,258	15	7	1,254	3	7	4	12	0		...		4	12	0
	Mymensing	.	3,443	12	7		.		168	6	8	1,179	7	0	41	9	6	134	2	10	4,967	6	7	551	9	6	4,415	13	1	...	..		4,415	13	1
	Backergunge	.	1,704	10	4	933	7	11	110	15	4	340	15	7	201	1	0	4	14	0	3,296	0	2	196	12	4	3,099	3	10	...	..		3,099	3	10
CUTTACK	Cuttack	.	305	13	0	68	8	0½	1	0	0	1	4	4	0	0	11½		..	...	376	10	4	1	4	4	375	6	0		. ..		375	6	0
	Balasore	.				...												...	..	...		...				...					. .			.	..
	Pooree	.					...				.	..			.	.	.	..	...	...		...		.	...	...	...	.		...	. .		...	..
CHITTAGONG	Chittagong	.	..		..				536	6	7							300	7	0	836	13	7	93	5	4	743	8	3	2	0	6	741	7	9
	Tipperah	..	1,765	8	11½	398	8	2	63	8	0	885	0	0	309	4	8½	65	5	0	3,487	2	10	489	12	9	2,997	6	1	...	.		2,997	6	1
	Bullooah	.	626	4	8				4	0	0	4	14	2	0	6	9	12	8	0	648	1	7	7	9	3	640	8	4	.			640	8	4
HAZAREEBAGH	Hazareebaugh	..	.	.					...	..	.	..			.		..	..	...	..	.	.	..	.						.	..		.		
	Lohardingga				.							.		.	..	..		.	.											.	..				
	Maunbhoom	..	.	.			..		568	12	0	..	.	.	.		..	625	0	5	1,194	1	0	11	5	0	1,182	12	0	...	...	.	1,182	12	0
	Durrung		.								..					. . .		100	0	0	100	0	0	100	0	0				.	...	...		..	
	Nowgong		.						.	.	..	8	1	0	. .			3	2	0	11	3	0	.	..	.	11	3	0		.. ...		11	3	0
	Total		75,990	5	10½	2,227	12	7½	20,424	5	1	18,067	0	1½	2,045	5	10½	6,058	7	9	1,24,833	5	3½	13,831	2	5½	1,11,002	2	10½	3,125	5	8½	1,07,876	13	2

FORT WILLIAM,
The 11th August 1863.

C. P. HOBHOUSE,
Superintendent and Remembrancer of Legal Affairs.

H.

GENERAL ABSTRACT STATEMENT shewing the amount decreed in favour of Government in the Salt, Opium, and Abkaree Department, realized and outstanding on the 1st May 1863.

DEPARTMENT.	Outstanding on the 1st May 1862.			Awarded in favor of Government from 1st May 1862 to 30th April 1863.			Total.	Realized during the year 1862-63.	Balance.	Deduct remitted by order of the Commissioner of Revenue or other Authority.	Net balance Outstanding on the 1st May 1863.	Remarks.
	Principal.	Interest.	Costs.	Principal.	Interest.	Costs.						
Salt Department.	Rs. As. P.	Rs. As. P.	Rs. As. P.	Rs. As. P.	Rs. As. P.	Rs. As. P.	Rs. As. P.	Rs. As. P.	Rs. As. P.	Rs. As. P.	Rs. As. P.	
Cuttack Agency	10,669 9 5	1,709 0 2	530 14 0	...	...	3.14 0	12,913 5 7	...	12,913 5 7	...	12,913 5 7	
Balasore ditto	...	...	...	...	...	...	...	...	...	...	...	
Pooree ditto	...	...	...	74 3 10½	...	16 13 4	91 1 2½	...	91 1 2½	...	91 1 2½	
Hidgellee ditto	...	...	...	15,547 2 7	...	1,244 1 7	16,791 4 2	...	16,791 4 2	...	16,791 4 2	
Tumlook ditto	30 0 0	...	47 9 0	...	...	20 0 0	97 9 0	...	97 9 0	...	97 9 0	
24-Pergunnahs ditto...	...	...	...	...	...	...	...	...	...	...	...	
Chittagong ditto	10,566 11 7	...	423 7 9	529 11 9	6 1 1	59 3 2	11,585 3 4	1,627 6 9	9,957 12 7	...	9,957 12 7	
Backergunge Superintendency ...	...	...	...	...	...	...	...	...	...	...	...	
Western ditto	...	...	...	997 2 7	...	...	997 2 7	947 2 7	50 0 0	...	50 0 0	
Chittagong ditto	5,001 8 2	...	...	1,661 15 10	...	...	6,663 8 0	963 13 10	5,699 10 2	85 0 0	5,614 10 2	
Total	26,267 13 2	1,709 0 2	1,001 14 9	18,810 4 7½	6 1 1	1,344 0 1	49,139 1 10½	3,538 7 2	45,600 10 8½	85 0 0	45,515 10 8½	
Behar Opium Agency	...	1 3 0	20 0 0	...	8 0 0	125 0 0	154 3 0	154 3 0	...	...	...	
Grand Total	26,267 13 2	,710 3 2	1,021 14 9	18,810 4 7½	14 1 1	1,469 0 1	49,293 4 10½	3,692 10 2	45,600 10 8½	85 0 0	45,515 10 8½	

Fort William.
The 11th August 1863.

C. P. HOBHOUSE,
Superintendent and Remembrancer of Legal Affairs.

I.

ABSTRACT STATEMENT shewing the Disbursements, Receipts, and Outstanding Balances on account of Law charges for the Year 1862-63.

Disbursements.	Rs. As. P.	Receipts.	Rs. As. P.	Outstanding Balances.	Rs. As. P.	Remarks.
Awarded against Government in Regular Suits, including costs ...	19,493 0 7	Realized under Decrees of Court, &c.	17,267 11 11¼	Revenue Decrees ...	1,07,876 13 2	
Amount expended in the prosecution of Suits in Court	5,211 3 4	Costs realized in Pauper Suits, exclusive of Stamp Fees	1,671 11 6	Salt and Opium Decrees	45,515 10 8½	
Amount expended in the defence of Suits in Court	11,684 10 4					
Amount advanced in the Mofussil in Privy Council Appeals	0 0 0					
Ditto ditto in Pauper Suits	232 5 1					
Miscellaneous disbursements on account of Judicial Proceedings ...	6,089 0 10					
Total ..	42,710 4 2	Total	18,939 7 5¼	Total ...	1,53,392 7 10½	

Fort William,
The 11*th August* 1863.

C. P. HOBHOUSE,
Superintendent and Remembrancer of Legal Affairs.

I. a.

ANNUAL STATEMENT of percentage allowed to the Government Pleaders, Collectors, Nazirs, and Record-keepers, on account of Sums realized by them in execution of Decrees of Court for the Year 1862-63.

DISTRICT.	No. of Suits.	Amount decreed to Government.	Amount recorded for which percentage has been awarded.	Amount still due.	Amount of percentage allowed to Government Pleaders.	Amount of percentage allowed to the Nazirs.	Amount of percentage allowed to Record-keepers.	Total amount of percentage awarded.	REMARKS.
		Rs. As. P.	Rs. As. P.	Rs. As. P.	Rs. As. P.	Rs. As. P.	Rs. As. P.	Rs. As. P.	
Patna ...	...	.....	.....	.....	.....	.....	.....	.....	
Behar ...	...	.....	.....	.....	.....	.....	.....	.....	
Sarun ...	...	.....	.....	.....	.....	.....	.....	.....	
Shahabad ...	...	.....	.....	.....	.....	.....	.....	.....	
Tirhoot ...	...	.....	.....	.....	.....	.....	.....	.....	
Bhaugulpore ...	...	.....	.....	.....	.....	.....	.....	.....	
Monghyr ...	...	.....	.....	.....	.....	.....	.....	.....	
Purneah ...	...	.....	.....	.....	.....	.....	.....	.....	
Moorshedabad ...	...	.....	.....	.....	.....	.....	.....	.....	
Rajshahye ...	...	.....	.....	.....	.....	.....	.....	.....	
Pubna ...	...	.....	.....	.....	.....	.....	.....	.....	
Rungpore ...	...	.....	.....	.....	.....	.....	.....	.....	
Bograh ...	...	.....	.....	.....	.....	.....	.....	.....	
Dinagepore ...	...	.....	.....	.....	.....	.....	.....	.....	
Maldah ...	...	.....	.....	.....	.....	.....	.....	.....	
Burdwan ...	81	1,053 10 6	1,401 1 7	552 8 11	37 13 6	47 11 3	53 14 9	139 7 6	
Hooghly ...	...	.....	.....	.....	.....	.....	.....	.....	
Bancoorah ...	...	.....	.....	.....	.....	.....	.....	.....	
Beerbhoom ...	7	36 7 7	40 14 0	.....	4 1 3	.....	.....	4 1 3	
Midnapore ...	...	.....	.....	.....	.....	.....	.....	.....	
Nuddea ...	1	1 8 9	1 8 9	.....	0 2 5	.....	.....	0 2 5	
24-Pergunnahs ...	4	989 9 6	989 9 6	.....	77 15 9½	.....	20 15 2½	98 14 11½	
Soonderbuns ...	6	1,120 10 1	1,093 12 1	26 14 0	78 0 2	15 10 11	15 10 11	109 6 0	
Jessore ...	..	.....	.....	.....	.....	.....	.....	.....	
Dacca ...	...	.....	.....	.....	.....	.....	.....	.....	
Furreedpore ...	...	.....	.....	.....	.....	.....	.....	.....	
Sylhet ...	...	.....	.....	.....	.....	.....	.....	.....	
Mymensing ...	...	.....	.....	.....	.....	.....	.....	.....	
Backergunge ...	4	544 4 6	279 13 3	264 7 3	28 0 1	.....	.....	28 0 1	
Cuttack ...	...	.....	.....	.....	.....	.....	.....	.....	
Balasore ...	...	.....	.....	.....	.....	.....	.....	.....	
Pooree ...	...	.....	.....	.....	.....	.....	.....	.....	
Bullooah ...	...	.....	.....	.....	.....	.....	.....	.....	
Chittagong ...	6	111 11 7	66 1 2	45 10 5	0 14 3	1 14 4	3 12 9	6 9 4	
Tipperah ...	1	198 11 0	198 11 0	.....	10 0 0	.....	.....	10 0 0	
Maunbhoom ...	...	.....	.....	.....	.....	.....	.....	.....	
Lohardaggah ...	...	.....	.....	.....	.....	.....	.....	.....	
Hazareebaugh ...	...	.....	.....	.....	.....	.....	.....	.....	
Singbhoom ...	...	.....	.....	.....	.....	.....	.....	.....	
Total ...	110	4,956 9 6	4,071 7 4	889 8 7	236 15 5½	65 4 6	94 5 7½	396 9 6½	

FORT WILLIAM,
The 11th August 1863.

C. P. HOBHOUSE,
Superintendent and Remembrancer of Legal Affairs.

I. b.

ANNUAL STATEMENT of percentage allowed to the Government Pleaders, Collectors, Nazirs, and Record-keepers on account of Stamp Fees realized by them in Pauper Suits for the Year 1862-63.

DISTRICT.	No. of Suits.	Amount decreed to Government.	Amount recovered for which percentage has been awarded.	Amount still due.	Amount of percentage allowed to Government Pleaders.	Amount of percentage allowed to the Nazirs.	Amount of percentage allowed to Record-keepers.	Total amount of percentage awarded.	REMARKS.
		Rs. As. P.	Rs. As. P.	Rs. As. P.	Rs. As. P.	Rs. As. P.	Rs. As. P.	Rs. As. P.	
Patna	...	... ...	... ...	... ...	... ...	... ...	... ...	... ...	
Behar	...	... ...	... ...	... ...	... ...	... ...	... ...	... ...	
Sarun	...	... ...	... ...	... ...	... ...	... ...	... ...	... ...	
Shahabad	...	... ...	... ...	... ...	... ...	... ...	... ...	... ...	
Tirhoot	...	... ...	... ...	... ...	... ...	... ...	... ...	... ...	
Bhaugulpore ...	...	... ...	... ...	... ...	... ...	... ...	... ...	... ...	
Monghyr	...	... ...	... ...	... ...	... ...	... ...	... ...	... ...	
Purneah	...	... ...	... ...	... ...	... ...	... ...	... ...	... ...	
Moorshedabad ...	...	... ...	... ...	... ...	... ...	... ...	... ...	... ...	
Rajshahye	...	... ...	... ...	... ...	... ...	... ...	... ...	... ...	
Pubna	...	... ...	... ...	... ...	... ...	... ...	... ...	... ...	
Rungpore	...	... ...	... ...	... ...	... ...	... ...	... ...	... ...	
Bograh	...	... ...	... ...	... ...	... ...	... ...	... ...	... ...	
Dinagepore ...	...	... ...	... ...	... ...	... ...	... ...	... ...	... ...	
Maldah	...	... ...	... ...	... ...	... ...	... ...	... ...	... ...	
Burdwan	26	1,478 5 0	818 12 0	659 9 0	13 6 4	26 13 0	42 1 11	82 5 3	
Hooghly	...	... ...	... ...	... ...	... ...	... ...	... ...	... ...	
Bancoorah	...	... ...	... ...	... ...	... ...	... ...	... ...	... ...	
Beerbhoom ...	2	94 12 0	59 0 0	35 12 0	5 14 4	... ...	... ...	5 14 4	
Midnapore ...	...	... ...	... ...	... ...	... ...	... ...	... ...	... ...	
Nuddea	1	1,008 0 0	647 1 6	360 14 6	64 11 3	... ...	... ...	64 11 3	
24-Pergunnahs ...	...	... ...	... ...	... ...	... ...	... ...	... ...	... ...	
Soonderbuns ...	...	... ...	... ...	... ...	... ...	... ...	... ...	... ...	
Jessore	14	2,804 8 3	441 5 9	2,363 2 6	22 0 11	22 0 11	... ...	44 1 10	
Dacca	...	... ...	... ...	... ...	... ...	... ...	... ...	... ...	
Furreedpore ...	...	... ...	... ...	... ...	... ...	... ...	... ...	... ...	
Sylhet	...	... ...	... ...	... ...	... ...	... ...	... ...	... ...	
Mymensing ...	...	... ...	... ...	... ...	... ...	... ...	... ...	... ...	
Backergunge ...	6	501 0 0	115 0 0	386 0 0	11 8 0	... ...	... ...	11 8 0	
Cuttack	...	... ...	... ...	... ...	... ...	... ...	... ...	... ...	
Balasore	...	... ...	... ...	... ...	... ...	... ...	... ...	... ...	
Pooree	...	... ...	... ...	... ...	... ...	... ...	... ...	... ...	
Bulloosh	2	238 8 0	238 8 0	... ...	23 13 6	... ...	... ...	23 13 6	
Chittagong ...	5	136 5 4	76 10 8	59 10 8	3 1 5	0 10 9	2 4 9	6 0 11	
Tipperah	...	... ...	... ...	... ...	... ...	... ...	... ...	... ...	
Maunbhoom ...	...	... ...	... ...	... ...	... ...	... ...	... ...	... ...	
Lohardduggah ...	28	3,436 9 4	2,361 14 8	1,074 10 8	118 14 0	118 14 0	... ...	237 12 0	
Hazareebaugh ...	...	... ...	... ...	... ...	... ...	... ...	... ...	... ...	
Singbhoom ...	...	... ...	... ...	... ...	... ...	... ...	... ...	... ...	
Total ...	84	9,697 15 11	4,758 4 7	4,939 11 4	263 5 9	168 6 8	44 6 8	476 3 1	

FORT WILLIAM,
The 11th August 1863.

C. P. HOBHOUSE,
Superintendent and Remembrancer of Legal Affairs.

I. C.

COMPARATIVE STATEMENT shewing the Work done during the last ten Years.

	Years.											
	1853-54.	1854-55.	1855-56.	1856-57.	1857-58.	1858-59.	1859-60.	1860-61.	1861-62.	1862-63.	Increase.	Decrease.
Number of letters received ...	1,289	1,557	1,428	1,687	1,450	2,137	2,163	2,107	1,984	2,168	879	.....
Number of letters written ...	1,019	899	996	1,172	1,175	1,571	1,769	1,894	2,115	2,675	1,656	.....
Number of Pleadings in Suits examined, prepared, and revised	355	380	422	634	545	1,325	504	670	899	897	542	.....
Total ...	2,663	2,836	2,846	3,493	3,170	5,033	4,436	4,671	4,998	5,740	3,077	.....

FORT WILLIAM,
The 11th August 1863.

C. P. HOBHOUSE,
Superintendent and Remembrancer of Legal Affairs.

PRINTED AT THE BENGAL SECRETARIAT OFFICE.

No. 4549.

FROM S. C. BAYLEY, ESQ.,

Junior Secretary to the Government of Bengal,

TO THE SECRETARY TO THE BOARD OF REVENUE.

Fort William, the 4th December 1863.

Revenue.

SIR,

WITH reference to your letter No. 336, dated 8th September last, forwarding a copy of the Legal Remembrancer's Report for 1862-63, I am directed to inform the Board that their remark in paragraph 2 in regard to the Public Works Department has been communicated to that Department. Extracts, paragraphs 6 and 8, from the letter under acknowledgment, with the corresponding portions of Mr. Hobhouse's Report, have also been forwarded for the guidance of the Public Works Department, and I am to take this opportunity to request that the Board will be good enough to circulate to all Collectors the precis of cases Nos. 7* and 8* given by Mr. Hobhouse.

* Collector of 24-Pergunnahs, Defendant Appellant, *versus* Joynarain Bose, Plaintiff Respondent.

2. In the foot-note to paragraph 3 of his Report Mr. Hobhouse remarks that many of the unfavorable decisions relate to Fisheries resumed by Government, but released by the Civil Court. I am directed to request that the Board will submit a special and early Report on this subject.

3. In regard to your paragraph 5, I am to request that the Board will report to Government the result of their enquiries on the question of how many of the Revenue Settlements of the Shahabad Districts are likely to be reversed by the precedent of the High Court's Judgment in the Appeal case of Mussamut Joy Koowar, Plaintiff, *versus* Government and others, Defendants.

4. I am to observe that it appears from the 5th and 6th paragraphs of Mr. Hobhouse's Report that in the Land Revenue, Opium, and Salt Departments the Law charges of the Government have amounted to Rupees 42,710-4-2, whereas the amounts realized under Court Decrees have only come up to Rupees 18,939-7-5¼, so that Government has lost by its litigation a sum of Rupees 23,770-12-8¾. This result cannot be considered satisfactory.

5. The Lieutenant-Governor is glad to observe that the Legal Remembrancer is satisfied with both the Senior and Junior Government Pleaders. His Honor also notices with pleasure and confirms the testimony borne by the Board to the able and conscientious manner in which Mr. Hobhouse has discharged his duties.

I have the honor to be,

SIR,

Your most obedient Servant,

S. C. BAYLEY,

Junior Secretary to the Government of Bengal.

[Exd. J. H. Mondies.]

REPORT

ON

THE LEGAL AFFAIRS

OF THE

BENGAL GOVERNMENT,

FOR THE

YEAR 1863-64.

Calcutta:
PRINTED AT THE BENGAL SECRETARIAT OFFICE.
1864.

No. 385.

FROM

R. B. CHAPMAN, ESQUIRE,

Secretary to the Board of Revenue, L. P.,

To

THE SECRETARY TO THE GOVERNMENT OF BENGAL.

FORT WILLIAM, *the 28th September* 1864.

SIR,

LAND REVENUE.
(Miscellaneous.)
W. J. ALLEN, AND E. T. TREVOR, } ESQUIRES.
A, B, C, C C, D, E, F, G, H.

I AM directed by the Board of Revenue to forward, herewith, for the information of Government, the accompanying Report, with its enclosed Statements marked as per margin, from the Superintendent and Remembrancer of Legal Affairs of the Bengal Presidency during the year 1863-64.

2. The results shown are, in the opinion of the Board, very satisfactory. The Board concur generally in the view taken by Mr. Cockerell of the several cases specially reported on.

3. Regarding the suits to assert the right of Government to the Revenue derived from Fisheries in navigable rivers orders have, in accordance with the instructions contained in Government Order No. 1228T., dated the 2nd July last, been passed to relinquish all those which are in the possession of any party, and suits will be instituted to try the right. Those Fisheries to which no claim has been preferred can, the Board think, be assessed and settled at once. The Board have directed the institution of proceedings against Prosunno Koomar Thakoor, to try once for all the right of Government to resume and assess Fisheries in large rivers generally.

4. The realizations under execution might be more satisfactory.

5. Messrs. Hobhouse and Birch were in charge of the Office of Legal Remembrancer during the year reported on; both those gentlemen performed their duties in a very satisfactory manner. No Government Pleaders, as far as the Board know, were reported for negligence or other misconduct during the year, and the result of the litigation tends to prove that those Officers did their duty to Government.

I have the honor to be,

SIR,

Your most obedient Servant,

R. B. CHAPMAN,

Secretary.

No. A.

FROM

F. R. COCKERELL, ESQUIRE,

Superintendent and Remembrancer of Legal Affairs,

To

THE SECRETARY TO THE BOARD OF REVENUE, L. P.

FORT WILLIAM, *the 26th August* 1864.

SIR,

I HAVE the honor to submit the accompanying Report on the Legal Affairs of the Bengal Presidency for the year 1863-64.

2. The total number of cases pending on the 1st May 1863 was 517, of which 247 were Original cases and 270 were Appeals. During the year 1863-64, 502 cases were instituted in the Courts of first instance, and 304 in the Appellate Courts, total 806, showing an aggregate of 749 Original suits, and 574 Appeals; grand total 1,323.

3. Of the Original cases 390 have been decided in favor of Government, and 133 against it, total decided 523, pending 226. Of the 133 cases shown as decided against Government eighteen were compromised, and in forty-one cases the decisions against Government have been reversed in appeal, the actual number lost in litigation being seventy-four. Of the Appeals 291 cases have been decided in favor of, and sixty against, Government, total decided 351, pending 228. The total number of favorable decisions is 681, unfavorable 193, and the number pending on the 30th April 1864 was 449. In thirty-three cases the Government were cast both in the lower and Appellate Courts.

4. The following Table gives a comparative view of the results of the litigation in which Government was concerned during the year under review and the last preceding year:—

	1862-63.												1863-64.											
	Government Plaintiff or Appellant.						Government Defendant or Respondent.						Government Plaintiff or Appellant.						Government Defendant or Respondent.					
	Total number of cases pending.	Decided in favor of Government.	Decided against Government.	Total decided.	Percentage of cases decided in favor of Government.	Percentage of cases decided against Government.	Total number of cases pending.	Decided in favor of Government.	Decided against Government.	Total decided.	Percentage of cases decided in favor of Government.	Percentage of cases decided against Government.	Total number of cases pending.	Decided in favor of Government.	Decided against Government.	Total decided.	Percentage of cases decided in favor of Government.	Percentage of cases decided against Government.	Total number of cases pending.	Decided in favor of Government.	Decided against Government.	Total decided.	Percentage of cases decided in favor of Government.	Percentage of cases decided against Government.
Original Suits ..	268	174	51	225	77¼	22¾	711	392	115	507	77¼	22¼	119	69	30	99	69½	30½	630	321	103	424	76	24
Regular Appeals ...	149	38	39	77	49¼	50¾	317	153	9	162	94¼	5¾	151	44	28	72	61	39	307	200	25	225	88¾	11¼
Special Appeals	31	11	5	16	68¾	31¼	88	60	...	60	100		18	7	5	12	58½	41½	92	36	2	38	94¾	5¼
Summary Appeals	...	...	...	...	...	...	2	1	1	2	50	50	1	1	...	1	100	..	5	3	..	3	100	.

5. The amount expended in litigation during the year is Rupees 65,310 in the Land Revenue Department, and Rupees 954 in the Salt and Opium Departments; total Rupees 66,264.

6. The realizations under decrees of Court have amounted to Rupees 24,499 in the Land Revenue Department, and Rupees 3,970 in the Salt and Opium Departments; total Rupees 28,469.

7. The outstanding balances due to Government are as under:—

	Rs.	As.	P.
Revenue decrees	76,922	0	0
Salt and Opium ditto	31,067	0	0
Total Rupees	1,07,989	0	0

8. I will now proceed to notice such cases as appear to me to require remarks:

No. 1.

COLLECTOR OF SHAHABAD—*(Defendant) Appellant,*

Versus

MIRZA HAKIM ABDOOL OHAB—*(Plaintiff,)* AND OTHERS—*(Defendants) Respondents.*

9. This was a suit instituted by the owner of a Lakheraj tenure within the confiscated Estates of the rebel Koer Singh, for the recovery of the mesne profits of his tenure of which he had been unjustly deprived by the co-defendants, to whom the Government had temporarily leased the parent Estate pending the completion of its permanent settlement.

10. The Government and its co-defendants admitted the fact of usurpation, but the former attempted to repudiate its liability to any portion of the plaintiff's claim on the ground of the resumption of the rent-free tenure having been the unauthorized act of the farmers, who alone must be held liable for the reimbursement of the plaintiff in the amount of his losses. The farmers pleaded that the terms of their lease were general and conveyed to them the right of receiving rent for all land comprized in their farm, making no exception in the plaintiff's favor. It appeared in the trial of the case that the plaintiff in this suit had subsequently to the execution of the farming lease petitioned the Collector to declare his tenure exempted from rent-paying liability; that this petition was rejected by the Collector; and that the order of rejection was reversed by the Commissioner. It was argued on appeal that this final order of the Revenue Authorities in respect of the assessment of this tenure showed that the plaintiff's rights were not disregarded by the grantor of the lease. Both the Court of first instance and the lower Appellate Court held that there was clearly not only no exception to the general power of collecting rents from all the under-tenants of the Estate conveyed to the lessees, but that the proceedings of the Collector in regard to the plaintiff's petition showed that in his previous action in granting the farm lease he did not contemplate any reservation of the general rent-levying authority which it conveyed to the co-defendants in respect of the plaintiff's Jagheer, and hence the Courts held that the Government plea of non-liability for the act of its lessees in the present case could not be maintained.

11. It was, however, determined that a Special Appeal should be made to the High Court to set aside the effect of this judgment on the general principle that as the proprietor of an Estate can only transfer by lease or otherwise his own rights and property in the Estate, so the proprietor's lessees cannot justify their usurpation of more than the rights of the lessor on the plea of the general authority conveyed to them by the terms of their lease.

LIBRARY

12. Upon the Special Appeal the Judges of the High Court passed the following judgment:—"It was a mistake of the Government to give possession of this Jagheer to the defendants, but having done so we are of opinion that the plaintiff is entitled to recover from the defendants in this suit the profits of this Jagheer received jointly by the defendants as long as the plaintiff has been improperly kept out of possession and receipt of the profits. The Government are bound to recoup the plaintiff all sums received by them as Revenue out of this Jagheer, and the defendants Nos. 2 and 3, being the farmers, are liable to restore to the plaintiff all sums retained by them for their own use out of the Jagheer. This case must therefore be remanded to the Court below to ascertain the proportions which each defendant is bound to contribute to the plaintiff."

13. The claim against Government was thereupon compromised by the Collector by payment of Rupees 1,587, nearly quarter of which was incurred by our protracted resistance to a claim which, I think, should have been compromised upon the first adverse decision, for the general principle upon which our defence rested was inapplicable to the exceptional circumstances of this case, as the plaintiff's Lakheraj title was not merely overlooked but was clearly ignored by the Collector who gave the farming lease to the co-defendants.

No. 2.

BABOO REETBHUNJUN SING AND OTHERS—*Plaintiffs Appellants,*

Versus

GOVERNMENT AND OTHERS—*Defendants Respondents.*

14. This suit is of importance from the very considerable estimated value of the property involved; it was instituted by plaintiffs to establish their right to the Jugdespore Jungles, in Zillah Shahabad, confiscated as belonging to the Estate of the rebel Koer Singh.

15. The plaintiffs are the sons of Baboo Dyal Singh, a brother of Koer Singh. They alleged that about the year 1221 Fuslee the four sons of Sahebzadah Singh, *viz.* Koer Singh, Dyal Singh, Rajputtee Singh, and Ummer Singh, came to an amicable arrangement among themselves for the division of the property of their father during his lifetime, and by a Deed dated the 11th Poos 1221 Fuslee, corresponding with December 1813, they effected a division, by which certain portions of the family property were allotted to each of the brothers, and this was confirmed by the father by a subsequent Deed dated 29th Maugh 1227, corresponding with January 1821. Among the properties allotted to Dyal Singh the Jungle of Jugdespore, in Pergunnah Beehya, was included. That Dyal Singh, and, after his death, the plaintiffs, were in possession of these Jungles; that when Koer Singh's property was confiscated, an attempt was made by the Local Authorities to seize those properties which had fallen to plaintiffs' share; that plaintiffs petitioned the Collector, and that Officer, by his proceedings of the 16th November 1857, released their share. That in March 1858 orders were passed by Government to cut down the Jungles of Jugdespore, whereupon plaintiffs petitioned that they should be allowed to cut down and remove the trees as their property, but that their application was rejected by the Commissioner and the Board. That in pursuance of the Government order Mr. Burrows, who had obtained the farm of the Jungles, commenced cutting down the trees. The plaintiffs, considering themselves aggrieved by these proceedings, brought this suit against Government, and its farmer, Mr. Burrows, for recovery of the lands comprised in the Jungle tract, with mesne profits and value of trees cut down and interest thereon, valuing the suit altogether at Rupees 32,74,455-15-2, as per statement noted in the margin.

	Rs.	As.	P.
Value of trees on 3,869 beegahs, wholly cleared ...	21,67,165	0	0
Ditto on 2,354 ditto partially cleared	4,37,844	0	0
	26,05,009	0	0
m. d. Interest for 19 18	5,10,581	13	2
	31,15,590	13	2
Mesne profits of the land brought under cultivation	3,265	2	0
	31,18,855	15	2
Value of 6,223 beegahs, claimed at Rs. 25 per beegah	1,55,600	0	0
Total Rs....	32,74,455	15	2

16. In reply the Government pleaded—

1st.—That the Jungle was cut down during the operation of Martial Law in Shahabad, and that, under Section 2, Act XXXIV. of 1860, plaintiffs' suit is barred.

2nd.—That the Government, acting on the information it now possesses, cannot admit genuineness or the validity of the Deeds of Partition of 1221 and 1227.

3rd.—That proprietary possession either in the lands, jungles, or products thereof never passed to the plaintiffs under those Deeds, and therefore these were at best inoperative.

4th.—That plaintiffs' action is barred by the ordinary rules of limitation, they being out of possession more than 12 years before the date of suit.

5th.—That the suit of the plaintiffs is barred by Section 9, Act XXV. of 1857.

6th.—That the Deeds mentioned by plaintiffs, if valid and operative, do not confer upon them possession of the lands and jungles, but merely that of their produce.

7th.—That the Collector, by his order of the 16th November 1857, did not release these lands and jungles, and even if he did, the orders subsequently passed by the superior Revenue Authorities virtually set aside that order.

8th.—That the plaintiffs are not entitled to possession, mesne profits, value of trees or interest.

17. The Principal Sudder Ameen's judgment was against the plaintiffs upon every issue raised in the pleadings, and he dismissed their suit in toto, and this decision has been affirmed by the High Court, who, admitting the genuineness of the Deed under which the plaintiffs appellants obtained an allotment of the "Mohasil," *i. e.* income accruing from the Jugdespore Jungles, have held that, in the absence of any proof of their ever having actually enjoyed any such income, no claim to damages for injury done to their rights under this Deed of allotment can be maintained; and further, that if no such obstacle to their claim existed on this ground, it would still be invalid by reason of the acts creating the alleged injury to the plaintiffs' rights, which has given rise to the present suit, being specially protected by the law of indemnity against actions in the Civil Courts. The Appellate Court further held that as the plaintiffs have avowedly no proprietary interest in the land of these jungles they could neither have restrained the late, nor can they check the present, proprietor from clearing the jungle and extending the cultivation of the land previously covered by it.

Nos. 3 to 5.

GOVERNMENT—*Defendant Appellant,*

Versus

JAMES ERSKINE—*Plaintiff Respondent.*

18. Plaintiff, who is the Talookdar of Lot Baisgram, Pergunnah Borohazaree, in Zillah Bancoorah, instituted three suits to recover possession of certain lands held by the Ghatwals of the Village of Nobogram within his Talook, alleging that these lands were not included in the lands entered in the Issumnuvesee or Register of 1811, for which alone the Ghatwals paid their Punchuck or quit rent.

19. In Special Appeals dated 30th April 1859, Collector of West Burdwan appellant, before the Sudder Dewanny Adawlut, Government was made a party to these suits, and they were remanded to the Principal Sudder Ameen to be tried on their merits.

20. On the 5th September 1860 the Principal Sudder Ameen of West Burdwan decreed possession to plaintiff on the ground that the lands belonged to the rent-paying

lands of his Estate; that they were not included in the Issumnuvesee of 1811; and that as defendant's Ghatwals refused to pay rents plaintiff was entitled to possession. And on the 6th November 1862 the Judge of West Burdwan upheld the lower Court's decision without the introduction of any new question of importance.

21. There appeared no doubt, as expressed by the Sudder Dewanny Adawlut in their decision of the 30th April 1859 above quoted, that Government had a clear interest in seeing that Ghatwallee lands were not encroached upon, and that if from any neglect on the part of Government in seeing to this interest any portion of the lands became alienated, the Government and the public would be the sufferers in the less efficient discharge by the Ghatwals of their Police duties, the due performance of which was a main condition on which their tenures were created.

22. It therefore became a question of great importance to decide whether or not in these cases the plaintiff could or could not possess, *i. e.* resume the lands in question.

23. The plaintiff's claim to resumption or possession restored on the allegation that they were not included in the Ghatwallee lands entered in the Issumnuvesee or Register of 1811.

24. We contended that his claim was not good because this Issumnuvesee was not a fair registry of all the lands held by Ghatwals in 1811, and before that on Police service tenure, for we pointed out that there was no measurement, no local investigation, and no care taken in the preparation of this Register, but that it was filed by the Ghatwals themselves, whose interest it was to make the lands they held as small in quantity, and the Punchucks they paid as large in proportion as they could, for by this they might calculate upon avoiding the adoption of measures for the increase of their assessment or their Police responsibilities.

25. It was also urged that unless plaintiff could show that possession of these towfeer or excess lands had been obtained by encroachment on the plaintiff's estate subsequently to the date of the perpetual settlement, his claim to resume could not be maintained.

26. A Special Appeal was preferred on these grounds, and in its trial the High Court held that the whole case turned upon the Issumnuvesee or Register of lands held in condition of rendering Police service, and that if this was held to be binding upon the Ghatwals, it would be for them to show their title to lands held by them in excess of the quantity registered, and how it accrued. They ruled that the Register or Issumnuvesee must be accepted as conclusive authority in regard to the extent of these lands, as the information which it contains was supplied by the Ghatwals of that time, and that these Registers have been generally relied upon by the Government in question as to the boundaries and extent of Ghatwally or Chakeran lands; that on the mere assumption of a fraudulent object on the part of the Ghatwals their validity cannot now be repudiated; and that there is nothing to rebut the testimony which they bear to the actual original extent of these tenures. The Appellate Court, therefore, affirmed the decisions of the Courts below, which had decreed possession of the entire lands in excess of the quantity recorded in the Register of 1811 to the plaintiff.

27. The case is one of considerable importance, as the decision arrived at may very probably be made to govern a very large number of cases in which a similar claim has been instituted by the same plaintiff, and the result may be to curtail the extent of land heretofore held in return for Police service in this District* to such a degree as to impair its efficiency. The Court's decision, however, rests on the strongest grounds, and in the absence of any proof of the exclusion of the lands now in the possession of the Ghatwals from the permanent settlement could not be assailed with any reasonable chance of success. For although a strong presumption of the incorrectness

* Bancoorah.

of these Registers arises out of the fact that in some instances at least the so-called "Punchuck" or "quit-rent" paid by the Ghatwals when applied to the area recorded in the Register will make the rent to be paid by a Ghatwal equivalent or more than equivalent in rate to that of an ordinary tenant who has no condition of Police service to fulfil, still, as these Registers were prepared by Officers of Government from information supplied by the Ghatwals themselves, and have for more than half a century been accepted as valid public documents, and as such retained and carefully preserved amongst the public records, we cannot now dispute their validity on no better ground than a presumption of their worthlessness. In this view it was thought inexpedient to prosecute our appeal any further.

28. An attempt will be made in the analogous cases now pending in the lower Court to establish the fact of the exclusion, *i. e.* the Ghatwals' distinct possession of these lands from the time of the permanent settlement.

Nos. 6 to 10.

COLLECTOR OF RUNGPORE.—*Defendant Appellant,*

Versus

RAMJADUB SEN, GENERAL MOOKTEAR OF PROSUNNO COOMAR TAGORE.—*Plaintiff Respondent.*

29. This and four other similar cases arose out of the proceedings of the Collector taken in accordance with the orders of Government conveyed in the Circular of the Board of Revenue, dated 18th November 1859, No. 36, for asserting the right of the State to the Fisheries in the large navigable rivers running through this District. The Collector having taken possession of the Julkurs of those rivers, and commenced levying rent therefrom, the parties who considered themselves aggrieved in consequence brought the present suits against the Government. The main ground of action was that the Julkurs were included within the limits and formed part of the assets of their permanently-settled Estates, and that 60 years' possession had at any rate given them a prescriptive right. The Government, in their answer, pleaded that the large rivers of which the Julkurs are claimed by the plaintiffs, such as the Berhampooter, were not included in the settlement with the plaintiffs; that these rivers could not constitute private property; and that the State, as the Trustee of the Public, was entitled to the profits arising from these Julkurs. Further, that no possession over these large rivers could be claimed by any party, and that the practice of fishing in them, or levying taxes from Fishermen, could not constitute a rightful possession, but was owing to mere sufferance, and that therefore the plea of prescription, as opposed to the enforcement of the rights of the State, was untenable.

30. The lower Court decided these cases in favor of the plaintiffs, not on the merits, but on the ground that their possession had been disturbed without recourse to the Courts of Law established in that behalf, and left the Government to assert their claims in the resumption Courts.

31. Against this decision the Government appealed on the ground that the Judge should have decided on the rights of the parties to the Julkurs; that the Judge had wrongly referred the Government to a suit under Regulation II. of 1819; and that the Collector's act of attachment was legal inasmuch as the landed proprietor holding navigable rivers which are admitted to be the property of the State is merely a trespasser and wrong-doer and liable to be ejected.

32. The High Court at first held "that, although the Judge was not wrong in holding "Government to have acted without authority of Law in attaching the property, he was "wrong in the other portion of his judgment, *viz.* in not trying the point of limitation, in "not deciding the case on its merits when asked by plaintiff Prosunno Coomar to do so, and

"when the pleading of the other plaintiffs admitted it, and in referring the Government to a "suit under Regulation II., 1819, as the proper course of action in a claim for the right of "Fisheries in large navigable rivers," and passed an order of remand of the cases for re-trial by the Judge on these points; but subsequently, on the application of Prosunno Coomar Tagore, for review the Court has revised its former order and affirmed the decree of the lower Court with costs, on the consideration that the effect of a remand for the trial of plaintiff's title would be to throw the burden of proving his claim upon the plaintiff and thereby place him in a worse position as regards the trial of the case on its general merits than he would have been had he not been wrongfully dispossessed by the defendant, for it was held in this and the analogous cases involving the same question that the plaintiff had shown a *primâ facie* right of possession as arising out of his long undisputed exercise of that right, and that from such possession he could not be summarily ejected without any legal process whatever.

33. This decision must govern all cases of summary resumption of Julkurs, and it will be now for the Government to consider whether proceedings should be taken in all these and similar cases to assert the public rights to the Revenue derivable from navigable rivers by regular resumption suits.

No. 11.

DEBNATH ROY—*Plaintiff Appellant,*

Versus

COMMISSIONER OF SOONDERBUNS AND RAJA SUTH SURN GHOSAL—*Defendants Respondents.*

34. This suit was instituted by plaintiff for possession of two plots of land in the Soonderbuns comprising beegahs 19,494-14-12 and beegahs 14,673, valuing his claim at Rupees 85,000.

35. His statement was that in 1839, corresponding with the Bengallee year 1246, he obtained a farming lease of the resumed Abad Tooshkhallee, &c., in the Soonderbuns in Zillah Bakergunj, for a term of 20 years, with the sanction of the Board of Revenue and the Government that in such farming lease among other conditions was the stipulation that "for such forest lands adjoining Tooshkhallee, &c., as might be cleared and cultivated by him "a pottah will be granted to him according to the Soonderbun Rules and settlement made "with him accordingly." That under this stipulation he cleared and brought into cultivation nearly all the lands of two plots at great expense and labour; that in 1857, in accordance with the above agreement, he received a lease for the first plot called Debnathpore, consisting of 34,000 beegahs; but that the Soonderbun Commissioner subsequently dispossessed him of beegahs 19,494-14-12 of this land on the ground that it did not form part of the land cleared at the plaintiff's cost but appertained to the adjacent cultivated Mehals.

36. His claim to the second plot of land described in the suit and known as "Sonakhally" rested on the statement contained in the original lease of these lands that at the expiration of the 20 years for which it was granted the land comprised in it should be measured and assessed, thereby implying, as he contended, that the settlement to follow such assessment was to be made with the original lessee.

37. For Government in defence, it was urged that as regards the first plot claimed, the area said to contain about 34,000 beegahs described in the lease of 1857 was computed on a rough estimate only, and as such was not to be taken as the exact measurement of the lands conveyed to the plaintiff by this lease. That the South, East, and West boundaries of this plot were clearly defined by different rivers, and that if the Northern line were drawn higher up so as to give the full area claimed, it would include the previously

cultivated Mehals of "Batemore" and "Rajparra," whereas the lease was only intended to convey to the plaintiff rent-free possession for 20 years of the forest lands which had been cleared and brought into a condition fit for cultivation at his own expense in accordance with the terms of the engagement entered into with him in 1839.

38. That as regards the second plot included in his claim the Government were in no way bound by the terms of the original lease to give him the preference in making the settlement which followed on the expiration of that lease; that nevertheless there had been an intention of conceding this privilege to him had he not forfeited all claim to indulgence by his misconduct.

39. The lower Court dismissed the plaintiff's claim 'in toto'; but the High Court, on the case coming up in appeal, found that as regards the first subject of claim, upon a careful examination of Hodge's Map of the Soonderbuns, not only was it possible to draw the Northern boundary of the land conveyed to plaintiff by the lease of 1857 so as to give him an area approximating the quantity estimated in the terms of the lease without intrenching upon the lands of the cultivated Mehals of "Batemore" and "Rajparra," but that the exact boundaries on the East and West as described in the Pottah could be best attained by drawing the line so as to include the full extent of land claimed by the plaintiff. In reversal of this part of the lower Court's order the plaintiff's claim was decreed. As regards the second plot the Appellate Court held that the defendant was not bound by the terms of the original lease to make a fresh settlement upon its expiry with the plaintiff in preference to others.

40. The line drawn by the Commissioner of the Soonderbuns, by which the plaintiff's allotment was reduced to less than one-half of its previously estimated dimensions, was fixed upon an arbitrary and ill-founded interpretation of the boundaries described in the lease, with which, moreover, as shown by the Appellate Court, it could in no way be made to accord.

41. The area of the grant was estimated at 34,000 beegahs, was estimated upon no rough data, as there was a map drawn upon a measured scale after survey of the country described, which contained ample means of calculating the approximate extent of the cleared jungle land covered by the plaintiff's grant.

No. 12.

GOVERNMENT—*Defendant Appellant,*

Versus

MONOHUR DEO—*Plaintiff Respondent.*

42. This was a claim of right of succession to the tenure of a deceased Ghatwal. One Ooditnarain was Ghatwal of the Estate of Rohinee, in the District of Beerbhoom, and by reason of idiotcy his property was brought under the management of the Court of Wards. He died in 1859, leaving a widow, Kustoora Coomaree, who afterwards gave birth to a posthumous son, who died within a short time afterwards.

43. Considering that under these circumstances Kustoora Coomaree was the rightful heir to the Ghatwal Estate, and yet that from her sex she was disqualified from managing the Estate, the Commissioner, on the 11th January 1861, appointed Kustoora Coomaree Ghatwalinee, made her a ward of Court, and established Mr. G. Grant as Manager of the Estate and as the person responsible for the due performance of the Ghatwal duties.

44. Subsequent to this arrangement Monohur Deo, the plaintiff in the present suit, claimed the Estate as heir-at-law to the deceased son of the deceased Ooditnarain, and under Act XIX. of 1841 the Judge of Beerbhoom decreed his claim; but this order was reversed by

the High Court on the 7th December 1861, and thereupon Monohur Deo filed the present Regular suit for possession, with mesne profits, of the Ghatwallee tenure.

45. The plaintiff based his claim upon the admitted fact that he was the nearest male heir of Ooditnarain, and upon the allegation that both by the Mithilla Shastras, which admittedly obtain in Deoghur, where the Estate is situated, and by family usage, he was entitled to inheritance of the Estate to the exclusion of the widow of Ooditnarain and of her daughter, and of any issue of that daughter.

46. We contested this claim first upon the ground that Roopnarain, the common ancestor from whom Monohur Deo derived his title, never was a permanent Ghatwal at all, the tenure having been created in the person of Roopnarain's son; and secondly, upon the ground that both by the Mithilla Shastras and family usage our ward, Kustoora Coomaree, was the rightful heir of Ooditnarain, and her daughter and that daughter's son, if any, after her.

47. The Judge of Beerbhoom, on the 24th December 1862, decreed the case in Monohur Deo's favor, on the ground that by family usage, as overriding the law, he was heir-at-law to Ooditnarain to the exclusion of the widow and her daughter.

48. On appeal to the High Court it was ruled that the plaintiff respondent had entirely failed to show any "Kolachar" or family custom by which the Rohinee Ghatwally tenure was inherited by heirs male only to the exclusion of the female line, and that as regards the latter class the plea of their incompetency for the efficient discharge of the Police duties, which form a condition of the possession of the tenure, as they were not of a personal nature but such as would, in their ordinary course, be discharged vicariously, there was no bar to a woman's succession to the tenure arising out of this circumstance. The Court found, morever, that upon default of payment of the public revenue with which these Estates are assessed they were liable to sale in like manner as other revenue-paying Estates, and that of course a female could not be restricted from purchasing, and, as a necessary consequence, acquiring possession of a property publicly sold, hence the objection taken by the plaintiff to defendant's possession on this score was ill-founded.

49. The decree of the lower Court in plaintiff's favor was, on these grounds, reversed and our ward was maintained in possession.

50. There have been several suits instituted in connection with this Ghatwally Estate which are not unlikely eventually to entail such heavy losses upon its resources as to bring about absolute insolvency. I think it is to be regretted that the Ghatwals were ever brought under the jurisdiction of the Court of Wards, as the considerations which induce this course in the case of permanently-settled Estates do not apply to tenures of this description.

No. 13.

GOVERNMENT—*Defendant Appellant,*

Versus

JUDDOONATH KOOER—*Plaintiff Respondent.*

51. This suit was instituted by the plaintiff to recover upwards of 6 lacs of Rupees which were deposited by the rebel Koer Singh in the Banking House of Mussamut Imrit Koer in two separate items in the names of two ladies of his household, *viz.* Doolhin Abilak Koer, wife of his son Dilbhunjun Singh, and Doolhin Hurpurshad Koer, one of the wives of his grandson, Beerbhunjun Singh. Hurpurshad having died in the lifetime of her husband, Beerbhunjun Singh, a new pottah was taken out transferring the whole sum to the name of Abilak Koer, and on the death of this lady plaintiff claimed the money as widow and heiress

of Beerbhunjun Singh, the son of Abilak Koer. Government also claimed this money as being virtually the property of Koer Singh and forfeited to the State by his rebellion.

52. It was contended on the part of the Government that at the time of this transaction Koer Sing was in debt to various parties to such an extent as to render his extrication from such embarrassment altogether hopeless, and that to keep back some portion of his property from the creditors who were pressing him on all sides he executed the Deeds which have given rise to the present suit in collusion with the persons for whose apparent advantage they were executed, it being understood between them that the funds thereby created were to be appropriated to his use.

53. The Principal Sudder Ameen, before whom the case came in the first instance, decreed the claim, but on appeal this decision was reversed by the High Court, by whom it was held that these transactions constituted no *bona fide* assignment of monies for the use of Hurpurshad and Abilak Koer, the persons named in the Deeds executed by Koer Singh, as it was manifest that he had not been indebted to these ladies in any way, nor was there any consideration whatever given for such assignment. That the execution of these Deeds was a contrivance for raising out of Koer Singh's reversionary interest in his Estates, already heavily mortgaged, an income which could be applied for his own benefit without disturbance by his numerous creditors.

54. One of the persons in whose name the fictitious assignment was made, Hurpurshad Koer, died, and upon her death it was asserted that the remaining assignee inherited her portion. This alone was sufficient to show the fictitious character of the entire transaction, as according to the ordinary Law of inheritance the "Streedhun," or wife's property, should have gone to her husband, Beerbhunjun Singh, who survived her, and had he had any real claim to this money it is utterly improbable that he would have abandoned it to his mother, Abilak Koer, already, if the transaction abovementioned was of a *bona fide* nature, so amply provided for.

55. To meet this it was asserted that there was a custom in Koer Singh's family by which the "Streedhun" on the demise of its owner went invariably to the nearest female kindred, an assertion altogether not proven, and moreover strangely at variance with the fact that the plaintiff in this case claimed this money not as next of kin amongst the female descendants of Abilak Koer, but as the widow and heiress of Beerbhunjun Singh.

No. 14.

MESSRS. GORDON, STEWART AND CO.—*Plaintiffs Appellants,*

Versus

RAM GOPAUL ROY AND OTHERS—*Defendants Respondents.*

56. The plaintiffs, who are the Agents or Representatives of the Bengal Coal Company, are the dur-mokurruredars of Lot Gopeenathpore, in the Zemindaree of the Raja of Burdwan, claimed a large tract of jungle land, about 6,000 beegahs in all, lying on the north of the cultivated lands of Gopeenathpore and the Grand Trunk Road, as within the original grant of that Mouzah.

57. In consequence of disputes between the plaintiffs and several other parties for possession of this jungle the Magistrate of the Jungle Mehal of Beerbhoom, in 1828, ordered the jungle to be kept under attachment, and directed the parties to have their differences settled in the Civil Court. No proceedings were taken for many years by any of these parties to prove their rights.

58. At the time of the Revenue Survey, however, in 1857 the plaintiffs and some other parties preferred claims to the disputed jungle, and Mr. Deputy Collector Ross awarded the whole of the lands to the plaintiffs. But on an appeal preferred by one Hurro Chunder Roy, the Collector revised Mr. Ross' decision and setting aside the Chucknamah of 1195, produced by plaintiffs, and on which Mr. Ross had based his award, as spurious, directed Deputy Collector Baboo Doorga Pershad Ghose to adjudicate the case according to the Chucknamah of 1184, which was found by the Collector to be the genuine Chucknamah of Gopeenauthpore. The Deputy Collector accordingly went to the spot, compared the boundaries set forth in the Chucknamah of 1184 with the boundaries of the jungle and finding the jungle not included within that Chucknamah awarded 4,975 beegahs to Government as Khas Mehal, and 625 beegahs to three other defendants, and this order was confirmed by the Superintendent of Surveys.

59. The second part of the case was a claim put forward by plaintiffs for compensation for some land taken by Government for the Grand Trunk Road which was found in possession of one Hurro Chunder Roy, and to whom compensation was paid under a bond of indemnity. This part of the claim, however, was subsequently yielded by plaintiffs at the bar of the High Court.

60. The Judge of Beerbhoom, in whose Court the case was instituted, dismissed the plaintiff's suit on the ground that it was barred by the Law of limitation and that the Government had acquired a right adverse to the plaintiffs and the other litigants by long and undisturbed occupation, inasmuch as the Government had shown the origin of their claim as springing from the order of attachment dated 22nd March 1822.

61. On appeal the Judges of the High Court held that the attachment made in 1822 of this jungle land gave no possession to the Government adverse to the plaintiffs or any other claimants; that the position of the Government simply became that of a stake-holder holding the land conditionally until some valid claim to it should be substantiated in the Civil Court. That the survey proceedings which commenced in 1857, and resulted ultimately in the determination of the largest portion of the land heretofore held under attachment to be Khas Mehal, first disturbed that attachment and created the present cause of action. That consequently the suit is not barred by limitation.

62. On the merits of the case the Court found the award of Mr. Deputy Collector Ross, which gave the subject of the present suit to the plaintiffs, to have been founded on good and intelligible grounds, and they therefore reversed the order of the lower Court.

63. The correctness of this decision cannot be disputed.

No. 15.

RAJAH LELANUND SINGH AND OTHERS—*Plaintiffs Appellants,*

Versus

GOVERNMENT AND OTHERS—*Defendants Respondents.*

64. This suit was instituted for recovery of about 4,541 beegahs of chur land said to have gradually accreted to the plaintiff's Estate by the recession of the river between the years 1851-62.

65. For the defence it was stated that the lands in question belong to Binda Deara, being within the boundaries of that Estate, as they were laid down in the resumption proceedings of 1827, and that although since 1851 the river has altered its course the effect has been merely to divide the lands of Binda Deara into two parts without disturbing either their identity or possession by the defendants.

66. In 1827 certain chur land lying between the beds of the Gunduck and Ganges rivers was resumed by Government under the provisions of Section 4, Regulation XI. of 1825. It was claimed at that time by the father of the present plaintiff as a re-formation on its former site of land which had diluviated from his Estate. By the resumption proceedings the land was declared to be the property of Government as an island separated from the plaintiff's Estate by a navigable river.

67. In the present suit the lower Court decided against the plaintiff's claim on the grounds set up for the defence, *viz.* that, although the river had since 1851 receded and now runs to the south of the land in dispute, yet it was established on local investigation that the former course of the river is distinctly traceable, and hence the boundaries of the land claimed by plaintiff are as clear as they were in 1851; that the case consequently is provided for by Clause 2, Section 4, Regulation XI. of 1825, and the land which forms the subject of it cannot be treated as a gradual accretion to the plaintiff's Estate.

68. The plaintiff appealed to the High Court against this decision, and it was there held that as the defendants cannot prove the existence of the various land marks which are to be found in the map of this land, which was prepared in 1851, it cannot be maintained that there has been no interruption to its identity or possession arising out of the alteration of the course of the river during the period that has since elapsed, and that the fact of the former bed of the river as it flowed in 1851 being now clearly traceable is not sufficient to constitute a re-formation of land appertaining to Binda Deara on its original site, as to determine that site it would be necessary to go back to the year 1827, when the resumption proceedings terminated, and there is nothing to show the exact course of the Ganges at that period, but that, from the survey maps representing the course of the river in 1846, it is clear that the high banks which marked its channel in 1851 were not its boundaries in 1827.

69. On these considerations the Appellate Court ruled that the plaintiff's claim to this land as a gradual accretion could not be successfully resisted either on the plea of the undisturbed identity and possession since 1851, or that of the land being proved to be a re-formation on its original site, the order of the lower Court was reversed and possession of the land in dispute decreed to the plaintiff.

70. There can be little doubt as to the correctness of this decision. By the ordinary law regulating the disposal of alluvial land the subject of this suit was manifestly a gradual accretion to the plaintiff's Estate, and as regards the pleas in bar of the operation of the general rule, it could not be shown that the divergence of the river from the course which it took in 1851 was sudden, or otherwise than gradual recession, as not a single cultivator of any portion of the land intervening between the bed of the river in 1851 and its present channel could be brought forward as having held uninterrupted occupancy since that year. The high banks referred to as indicating the old bed of the river formed its northern limits, but every land mark which is to be found in the map of 1851 to the south of these high banks has since been obliterated. As regards the question of re-formation it is certain that the bed of the river as it was in 1851 does not represent its situation in 1827, and from the survey papers of 1846 it would appear more likely that the land now claimed is a re-formation on the site of lands which in 1827 appertained to the plaintiff's Estate than that they belong to what was then resumed as Binda Deara.

No. 16.

RAJAH LELANUND SINGH AND OTHERS—*Plaintiffs Appellants,*

Versus

GOVERNMENT AND OTHERS—*Defendants Respondents.*

71. This was a claim to 1,049 beegahs of land said to have accreted to the plaintiff's Estate of Madhopore, &c.

72. The defendants asserted possession and title to possession of this land as appertaining to the Binda Deara Estate.

73. The circumstances attending this suit are precisely similar to the preceding. The lower Court dismissed the plaintiff's claim; the Appellate Court reversed the decision on the grounds already detailed.

GOVERNMENT PLEADERS.

74. As I only assumed charge of this Office after the expiration of the year under review, I am unable to submit any opinion as to the manner in which the Government Pleaders discharged their duties during the year. The work in the High Court was conducted, under arrangements made by my predecessor, Mr. Hobhouse, jointly by Baboos Keshen Keshore Ghose and Juggudanund Mookerjee, the Senior and Junior Government Pleaders, except from 22nd November 1863 to 19th January 1864, when Baboo Keshen Keshore Ghose being absent on sick leave, the entire duty during this interval devolved upon the Junior Government Pleader. The result of the year's work is shown in the following Table, and seems satisfactory:—

	Successful.	Unsuccessful.	Remanded	Total.	REMARKS.
Government Regular Appeals ...	42	*17	11	70	*Several of these relate to Julkurs.
Ditto Special Appeals ...	38	†7	5	50	†Six of these were Appeals in the case of Mr. Erskine reported at paragraph 18 of this Report.
Ditto Summary Appeals	3	...	1	4	
Court of Wards Regular Appeals	15	11	5	31	
Ditto Special Appeals	9	3	3	15	

I have the honor to be,

SIR,

Your most obedient Servant,

F. R. COCKERELL,

Superintendent and Remembrancer of Legal Affairs.

A.

STATEMENT FOR THE YEAR 1863-64.

CASES instituted to establish some substantial right.

1	2								3								4							
	SUITS TO ESTABLISH A TITLE TO HOLD LAND RENT-FREE OR AT A FIXED ASSESSMENT.								SUITS FOR LAND, OR FOR THE RENT OF LAND ARISING OUT OF SETTLEMENT PROCEEDINGS.								SUITS TO ESTABLISH A TITLE TO ENGAGE FOR LANDS UNDER SETTLEMENT.							
	Total.	Decisions. Favorable.			Decisions. Unfavorable.			Pending.	Total.	Decisions. Favorable.			Decisions. Unfavorable.			Pending.	Total.	Decisions. Favorable.			Decisions. Unfavorable.			Pending.
	No.	No.	Rs. As. P.		No.	Rs. As. P.		No.	Rs. As. P.	No.	Rs. As. P.		No.	Rs. As. P.		No.	Rs. As. P.	No.	Rs. As. P.		No.	Rs. As. P.		No.	Rs. As. P.
High Court Appeals	2	0	0	0	0	0	0	0	2	1,471	11	0	10	10	9,495	13	0	0	0	0	0	0	0	0	3	3	10,218	6	0	0	0	0	0	0	0	0	0	0
Zillah Appeals	12	10	6,929	9	0	0	0	0	2	600	0	0	7	5	1,331	1	0	0	0	0	0	0	0	0	4	4	2,341	14	0	0	0	0	0	0	0	0	0	0
Original Suits	60	7	10,385	4	0	6	2,937	0	0	47	17,566	8	0	10	3	2,193	15	0	0	0	0	0	0	0	7	13	12	15,824	6	0	0	0	0	0	0	0	6	2,249	10	0
Total	74	17	17,344	13	0	6	2,937	0	0	51	19,628	3	0	27	18	12,930	13	0	0	0	0	0	0	0	9	20,737	2	0	25	19	28,484	12	0	0	0	0	0	0	6	2,249	10	0

1	5									6										7										8									
	SUITS TO ESTABLISH A TITLE TO VACANT POSSESSION AND PROPERTIES CLAIMED BY OR ESCHEATED TO GOVERNMENT.									SUITS FOR REINSTATEMENT OF OFFICE FROM WHICH CLAIMANTS HAVE BEEN DISMISSED BY LOCAL AGENTS OR OTHER AUTHORITIES.										SUITS FOR THE RECOVERY OF SALARIES, MALIKANA, PENSIONS, FEES, &c.										SUITS FOR THE RECOVERY OF SUMS UNJUSTLY REALIZED, FOR THE RECOVERY OF RENTS UNDULY LEVIED, OR FOR THE RECOVERY OF RECEIPTS FOR RENTS, OR FOR EXONERATION FROM UNJUST DEMAND.									
	Total.	Decisions. Favorable.			Decisions. Unfavorable.			Pending.		Total.	Decisions. Favorable.			Decisions. Unfavorable.			Pending.			Total.	Decisions. Favorable.			Decisions. Unfavorable.			Pending.			Total.	Decisions. Favorable.			Decisions. Unfavorable.			Pending.		
	No.	No.	Rs. As. P.		No.	Rs. As. P.		No.	Rs. As. P.	No.	No.	Rs. As. P.		No.	Rs. As. P.		No.	Rs. As. P.	No.	No.	Rs. As. P.		No.	Rs. As. P.		No.	Rs. As. P.		No.	No.	Rs. As. P.		No.	Rs. As. P.		No.	Rs. As. P.	
High Court Appeals	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	1	886	9	0	0	0	0	0	0	0	0
Zillah Appeals	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	3	0	0	0	0	0	0	0	0	0	0	3
Original Suits	6	4	118	10	0	1	10,007	14	0	1	6,700	11	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	42	36	17,188	7	0	2	12,540	5	0	4	6,779	0	0
Total	6	4	118	10	0	1	10,007	14	0	1	6,700	11	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	46	37	18,076	0	0	2	12,540	5	0	7	12,942	5	0

1	9									10										11									
	SUITS FOR WASILUT, OR FOR THE RECOVERY OF COSTS OR SURPLUS COLLECTIONS AFTER AN ADJUSTMENT OF ACCOUNTS, OR VALUE OF PROPERTY OR PURCHASE MONEY.									SUITS TO OBTAIN POSSESSION OF LAND, ESTATES, OR OTHER PROPERTY, OR FOR THE RECOVERY OF RENTS OR COMMON OR BOND DEBTS.										SUITS IN WHICH GOVERNMENT HAS BEEN MADE A DEFENDANT PROFORMA.									
	Total.	Decisions. Favorable.			Decisions. Unfavorable.			Pending.		Total.	Decisions. Favorable.			Decisions. Unfavorable.			Pending.			Total.	Decisions. Favorable.			Decisions. Unfavorable.			Pending.		
	No.	No.	Rs. As. P.		No.	Rs. As. P.		No.	Rs. As. P.	No.	No.	Rs. As. P.		No.	Rs. As. P.		No.	Rs. As. P.	No.	No.	Rs. As. P.		No.	Rs. As. P.		No.	Rs. As. P.		No.	No.	Rs. As. P.		No.	Rs. As. P.		No.	Rs. As. P.	
High Court Appeals	13	4	16,457	4	0	1	1,556	7	0	8	15,966	7	0	159	69	48,72,513	0	0	21	1,74,093	14	0	69	2,91,409	14	0	1	0	0	0	0	0	0	0	0	0	0	1	768	0	0
Zillah Appeals	15	7	8,786	1	0	2	271	8	0	6	3,046	8	0	240	124	41,114	0	0	27	27,804	4	0	89	76,730	5	0	13	13	11,762	12	0	0	0	0	0	0	0	0	0	0	0
Original Suits	14	5	22,329	6	0	7	8,643	5	0	2	447	6	0	339	174	9,67,963	5	0	67	43,242	12	0	98	1,13,436	5	0	44	37	22,627	7	0	0	0	0	0	0	0	7	3,641	10	0
Total	42	16	47,572	11	0	10	10,471	4	0	16	19,820	5	0	738	367	58,81,730	5	0	115	2,50,240	14	0	256	4,71,576	5	0	58	50	34,390	3	0	0	0	0	0	0	0	8	4,409	10	0

FORT WILLIAM,
The 26th August 1864.

F. R. COCKERELL,
Superintendent and Remembrancer of Legal Affairs.

B.

CASES instituted to obtain redress for Official acts.

1	2									3									4									5								
	SUITS FOR THE REVERSAL OF REVENUE SALES ON THE PLEAS OF INFORMALITY, NON-LIABILITY, &c.									SUITS FOR REVERSAL OF SALES IN EXECUTION OF DECREES ON THE PLEAS OF INFORMALITY, NON-LIABILITY, &c.									SUITS FOR THE REVERSAL OF SALES OF PROPERTY PLEDGED AS SECURITY ON THE PLEA THAT THE PROPERTY SOLD WAS NOT LIABLE, OR ON OTHER PLEAS									SUITS TO STAY REVENUE SALES, OR SALES IN EXECUTION OF DECREES, OR SALES OF PROPERTY PLEDGED AS SECURITY.								
	Total	Decisions. Favorable.			Decisions. Unfavorable.			Pending.		Total	Decisions. Favorable.			Decisions. Unfavorable.			Pending.		Total	Decisions. Favorable.			Decisions. Unfavorable.			Pending.		Total	Decisions. Favorable.			Decisions. Unfavorable.			Pending.	
	No	No.	Rs	As.	P.	No	Rs.	As. P.	No.	Rs. As. P.	No.	No.	Rs.	As.	P.	No.	Rs. As. P.	No.	Rs. As. P.	No	No.	Rs. As. P.	No.	Rs. As. P.	No.	Rs. As. P.	No.	No.	No.	Rs. As. P.	No.	Rs. As. P.	No.	Rs. As. P.	No.	Rs. As. P.
High Court Appeals	6	5	1,58,268	1	0	1	1,212	8 0	0	0 0 0	1	1	61,275	7	0	0	0 0 0	0	0 0 0	0	0	0	0 0 0	0	0	0 0 0	0	0	0	0 0 0	0	0 0 0	0	0 0 0	0	0 0 0
Zillah Appeals	6	6	3,609	6	0	0	0 0	0	0	0 0 0	8	3	738	0	0	0	0 0 0	5	2,742	9 0	0	0	0 0 0	0	0	0 0 0	0	0	0	0 0 0	0	0 0 0	0	0 0 0	0	0 0 0
Original Suits	9	7	2,129	5	0	0	0 0	0	2	4,864	0 0	15	8	3,210	12	0	0	0 0 0	7	492	15 0	1	1	11,361	15	0	0	0 0 0	0	0 0 0	0	0 0 0	2	50	9	0
Total	21	18	1,64,006	12	0	1	1,212	8 0	2	4,864	0 0	24	12	65,214	3	0	0	0 0 0	12	3,235	8 0	1	1	11,361	15	0	0	0 0 0	0	0 0 0	0	0 0 0	2	50	9	0

1	6									7									8									9								
	SUITS OF THIRD PARTIES ADVANCNIG CLAIM TO LAND ATTACHED OR SOLD BY GOVERNMENT AS BELONGING TO OTHERS.									SUITS IMPROPERLY INTSITUTED AGAINST OFFICERS OVER WHOM IN THEIR OFFICIAL CAPACITY THE CIVIL COURT HAS NO JURISDICTION.									SUITS TO CONTEST ORDERS REVERSING SALES, OR REGARDING THE CONFIRMATION OR QUASHING OF BUTWARRARS, OR THE IMPOSITION OF FINES.									SUITS FOR DAMAGES ON ACCOUNT OF ACTS DONE BY REVENUE OR OTHER OFFICERS.								
	Total	Decisions. Favorable.			Decisions. Unfavorable.			Pending.		Total	Decisions. Favorable.			Decisions. Unfavorable.			Pending.		Total	Decisions. Favorable			Decisions. Unfavorable.			Pending.		Total	Decision. Favorable.			Decision. Unfavorable.			Pending.	
	No.	No	Rs.	As.	P.	No.	Rs.	As. P.	No.	Rs. As. P.	No.	No.	Rs.	As.	P	No.	Rs. As. P.	No.	Rs. As. P.	No.	No.	Rs. As. P.	No.	Rs. As. P.	No.	Rs. As. P	No.	No.	No.	Rs. As. P.	No.	Rs. As. P.	No.	Rs. As. P.	No.	Rs. As. P
High Court Appeals ...	4	3	31,214	5	0	0	0 0	0	1	863	14 0	0	0	0 0	0	0	0 0 0	0	0 0 0	2	2	16,581	3 0	0	0	0 0	0	0	1	0 0 0	0	0 0 0	1	15,890	0 0
Zillah Appeals ...	10	7	1,718	4	0	0	0 0	0	3	3,552	12 0	0	0	0 0	0	0	0 0 0	0	0 0 0	2	1	295	0 0	0	0	0 0	0	1	318	10 0	9	4,832	0 0	2	5,569	12 0	3	1,313	2 0
Original Suits ...	21	10	839	9	0	1	150	0 0	10	1,489	0 0	2	2	14,812	0	0	0	0 0 0	0	0 0 0	2	2	366	10 0	0	0	0 0	0	0	0 0	30	11,35,516	10 0	9	25,367	1 0	10	28,132	5 0
Total	35	20	33,772	2	0	1	150	0 0	14	5,905	10 0	2	2	14,812	0	0	0	0 0 0	0	0 0 0	6	5	17,242	3 0	0	0	0 0	0	1	318	10 0	40	15,42,348	10 0	11	30,956	13 0	14	44,445	7 0

FORT WILLIAM,
The 26th August 1864.

F. R. COCKERELL,
Superintendent and Remembrancer of Legal Affairs.

C.

CASES in which Government is Plaintiff.

1	2								3								4							
	SUITS TO ESTABLISH A TITLE TO ASSESS OR TO LEVY AN ENHANCED ASSESSMENT.								SUITS FOR RECOVERY OF SUMS MISAPPROPRIATED FROM DEFAULTERS OR THEIR SURETIES.								SUITS FOR REFUND OF MONEY PAID TO PARTIES NOT ENTITLED TO IT.							
	Total.	Decisions.						Pending	Total.	Decisions.						Pending.	Total.	Decisions.						Pending.
		Favorable.			Unfavorable.					Favorable.			Unfavorable.					Favorable.			Unfavorable.			
	No.	No	Rs. As. P.		No.	Rs. As. P.	No.	Rs. As. P.	No.	No.	Rs. As. P.		No.	Rs. As. P.	No.	Rs. As. P.	No.	No.	Rs. As. P.		No.	Rs. As. P.	No.	Rs. As. P.
High Court Appeals ...	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Zillah Appeals ...	20	1	256	15	0	0	0	0	19	6,261	11	0	3	0	0	0	1	604	5	0	2	3,749	10	0
Original Suits ...	22	3	10,388	12	0	17	2,773	1	0	2	38,482	14	0	4	4	4,106	10	0	0	0	0	0	0	0
Total ...	42	4	10,645	11	0	17	2,773	1	0	21	44,744	9	0	7	4	4,106	10	0	1	604	5	0	2	3,749	10	0

1	5								6								7							
	SUITS FOR THE RECOVERY OF SUMS FROM PARTIES OR THEIR SURETIES FOR NON-FULFILMENT OF CONTRACT.								SUITS FOR POSSESSION OF LAND, OR THE RENT OF LAND, OR FOR THE RECOVERY OF DEBTS.								SUITS TO IMPOSE FINES FOR THE INFRACTION OF THE SALT LAWS.							
	Total.	Decisions.						Pending.	Total.	Decisions.						Pending.	Total.	Decisions.						Pending.
		Favorable.			Unfavorable.					Favorable.			Unfavorable.					Favorable.			Unfavorable.			
	No.	No.	Rs. As. P.		No.	Rs. As. P.	No.	Rs. As. P.	No.	No.	Rs. As. P.		No.	Rs. As. P	No.	Rs. As. P.	No.	No.	Rs. As. P.		No.	Rs. As. P.	No.	Rs. As. P.
High Court Appeals...	1	0	0	0	0	0	0	1	2,824	0	0	4	3	1,238	5	0	0	0	0	0	1	1,019	11	0
Zillah Appeals ...	8	2	410	0	0	3	6,938	10	0	3	1,275	5	0	8	3	2,007	10	0	1	2,503	1	0	4	2,341	15	0
Original Suits ...	76	54	15,851	11	0	9	43,805	11	0	13	4,284	7	0	17	8	9,696	0	0	4	1,422	10	0	5	4,08,026	5	0
Total	85	56	16,261	11	0	12	50,744	5	0	17	8,383	12	0	29	14	12,941	15	0	5	3,925	11	0	10	4,11,387	15	0

1	7											
	SUITS TO IMPOSE FINES FOR THE INFRACTION OF THE SALT LAWS.											
	Total.	Decisions.						Pending.				
		Favorable.			Unfavorable.							
	No.	No.	Rs. As. P.		No.	Rs. As. P.	No.	Rs. As. P.				
High Court Appeals...	0	0	0	0	0	0	0	0	0	0	0	0
Zillah Appeals ...	0	0	0	0	0	0	0	0	0	0	0	0
Original Suits ...	1	1	150	0	0	0	0	0	0	0	0	0
Total	1	1	150	0	0	0	0	0	0	0	0	0

FORT WILLIAM,
The 26th August 1864.

F. R. COCKERELL,
Superintendent and Remembrancer of Legal Affairs.

C. C.

GENERAL ABSTRACT STATEMENT of Suits in the Civil Court in which Government is a party disposed of and pending during the year 1863-64.

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17
	ORIGINAL SUITS.							APPEALS.								
				DECIDED WITHIN THE YEAR							DECIDED WITHIN THE YEAR					
COURT.	Number pending on the 30th April 1864.	Number instituted from 1st May 1863 to 30th April 1864.	Total.	In favor of Government.	Against Government.	Total.	Pending on the 30th April 1864.	Number pending on the 30th April 1863.	Number instituted from 1st May 1863 to 30th April 1864.	Total.	In favor of Government.	Against Government.	Total.	Pending on the 30th April 1864.	Number of cases in which Government lost twice.	
High Court	.....	.....	.....	.....	.....	.....	.....	103	105	208	100	24	124	84	12	
Patna	.....	12	12	3	2	5	7	.....	.....	.....	.....	.....	.....	.....	.....	
Behar	1	4	5	1	3	4	1	8	.....	8	2	2	4	4	1	
Sarun	3	9	12	12	.....	12	.....	1	.....	1	1	.....	1	.....	.....	
Shahabad	2	8	10	7	3	10	.....	1	6	7	2	2	4	3	.....	
Tirhoot	4	4	8	3	2	5	3	.....	4	4	2	1	3	1	.....	
Bhangulpore...	4	3	7	6	1	7	.....	.....	.....	.....	.....	.....	.....	.....	.....	
Monghyr	.....	5	5	5	.....	5	.....	.....	3	3	.....	.....	.....	3	.....	
Purneah	1	10	11	4	.....	4	7	.....	7	7	3	.....	3	4	.....	
Moorshedabad	4	4	8	5	2	7	1	.....	.....	.....	.....	.....	.....	.....	.....	
Rajshahye	.....	2	2	1	.....	1	1	.....	4	4	.....	2	2	2	1	
Pubna	1	9	10	2	2	4	6	.....	1	1	.....	.....	.....	1	.....	
Rungpore	.....	5	5	.....	.....	.....	5	2	7	9	6	.....	6	3	.....	
Bograh	.....	3	3	1	1	2	1	.....	.....	.....	.....	.....	.....	.....	.....	
Dinagepore	.....	7	7	2	5	7	.....	1	2	3	2	.....	2	1	...	
Maldah	3	2	5	4	.....	4	1	5	1	6	2	4	6	.....	3	
Burdwan	10	26	36	29	2	31	5	18	4	22	15	3	18	4	.....	
Hooghly	12	69	81	49	4	53	28	14	9	23	13	8	21	2	7	
Bancoorah	19	32	51	38	2	40	11	52	5	57	44	1	45	12	.....	
Beerbhoom	21	3	24	15	1	16	8	1	8	9	7	.....	7	2	...	
Midnapore	6	18	24	17	2	19	5	3	11	14	8	.....	8	6	.....	
Nuddea	1	19	20	3	14	17	3	2	7	9	2	6	8	1	4	
24-Pergunnahs	48	26	74	57	4	61	13	9	10	19	13	2	15	4	1	
Carried over ...	140	280	420	264	50	314	106	220	194	414	222	55	277	137	29	

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17
COURT	ORIGINAL SUITS.							APPEALS.								
	Number pending on the 30th April 1863.	Number instituted from 1st May 1863 to 30th April 1864.	Total.	Decided within the year: In favor of Government.	Against Government.	Total	Pending on the 30th April 1864.	Number pending on the 30th April 1863.	Number instituted from 1st May 1863 to 30th April 1864.	Total.	Decided within the year: In favor of Government.	Against Government.	Total.	Pending on the 30th April 1864.	Number of cases in which Government lost twice.	
Brought forward	140	280	420	264	50	314	106	220	194	414	222	55	277	137	29	
Soonderbuns	10	8	18	12	1	13	5	4	1	5	4	.....	4	1	.....	
Jessore	9	6	15	5	7	12	3	2	4	6	1	.....	1	5	.....	
Dacca	37	59	96	32	45	77	19	21	59	80	31	2	33	47	2	
Furreedpore	20	11	31	20	3	23	8	4	.....	4	3	.....	3	1	.....	
Sylhet	7	20	27	12	5	17	10	1	10	11	5	.....	5	6	.....	
Mymensing	5	35	40	19	9	28	12	.....	12	12	9	.....	9	3	.....	
Backergunge...	7	6	13	2	7	9	4	3	7	10	4	2	6	4	2	
Cuttack	.. ..	2	2	1	1	2	.....	.....	.....	.....	.....	.....	.....	.....	.....	
Balasore	.....	1	1	.....	.....	.....	1	.....	.....	.....	.....	.....	.....	.....	.....	
Pooree	1	.....	1	1	.....	1	.....	.....	1	1	1	.....	1	.....	.. ...	
Bullooah	2	5	7	4	.....	4	3	.....	1	1	.....	.....	.....	1	.....	
Chittagong	2	2	4	3	.....	3	1	6	1	7	4	.....	4	3	.....	
Tipperah	1	8	9	4	2	6	3	8	6	14	6	1	7	7	.....	
Lohardugga	.....	4	4	1	1	2	2	.....	1	1	.....	.....	.....	1	.....	
Maunbhoom	6	55	61	10	2	12	49	1	7	8	1	.. ...	1	7	.....	
Total ...	247	502	749	390	133	523	226	270	304	574	291	60	351	223	33	

FORT WILLIAM,
The 26th August 1864.

F. R. COCKERELL,
Superintendent and Remembrancer of Legal Affairs.

D.

STATEMENT showing the Amount expended in Litigation, as contrasted with the Sums actually realized by Government under Decrees of Court in the Revenue Department, from 1st May 1863 to 30th April 1864.

Divisions.	Zillahs.	Nature of Receipts. Sums awarded in favor of Government in Regular Suits.	Costs awarded in favor of Government whether in actions for or against Government.	Costs in Privy Council Appeals realized.	Costs in Pauper Suits realized, exclusive of Stamp Fees	Costs in all other cases realized.	All sums otherwise realized in Judicial Proceedings.	Total.	Nature of Disbursements. Amount, including Costs, awarded against Government in Regular Suits.	Amount expended in prosecution of Suits in Court.	Amount expended in defence of Suits in Court.	Amount advanced in Privy Council Appeals.	Amount advanced in Pauper Suits, exclusive of Stamp Fees.	Miscellaneous disbursements on account of Judicial Proceedings other than those above adverted to.	Total.	Remarks.
		Rs. As. P.	Rs. As. P.	Rs. As. P.	Rs. As. P.	Rs. As. P.	Rs. As. P.	Rs. As. P.	Rs. As. P.	Rs. As. P.	Rs. As. P.	Rs. As. P.	Rs. As. P.	Rs. As. P.	Rs. As. P.	
Patna.	Patna	95 4 3	2 11 9	... ...	... ...	... ...	... ...	98 0 0	85 8 5	500 0 0	3 0 0	... ...	... ...	5 1 0	593 9 5	
	Behar	... ...	1,056 1 0	... ...	... ...	... ...	14 11 0	1,070 12 0	1,046 0 8	926 9 0	949 14 5	... ...	... ...	21 6 3	2,943 14 4	
	Sarun	... ...	33 0 6	... ...	... ...	... ...	... ...	33 0 6	... ...	... ...	7 0 0	... ...	... ...	7 14 0	14 14 0	
	Shahabad	2,084 10 9	58 2 9	... ...	275 15 9	95 4 9	... ...	2,514 2 0	8,342 10 6	1,599 3 5	132 7 9	... ...	0 13 0	1,000 0 0	11,075 2 8	
	Tirhoot	... ...	64 15 2	... ...	... ...	... ...	... ...	64 15 2	... ...	69 1 3	140 15 0	... ...	... ...	1 8 0	211 8 3	
Bhagulpore.	Bhangulpore	... ...	55 9 0	... ...	... ...	... ...	... ...	55 9 0	... ...	... ...	1 0 0	... ...	... ...	309 14 9	310 14 9	
	Monghyr	... ...	... ...	... ...	... ...	... ...	... ...	... ...	... ...	... ...	3 0 0	... ...	... ...	1,351 9 0	1,354 9 0	
	Purneah	... ...	6 14 0	... ...	7 0 0	... ...	350 0 0	383 14 0	... ...	... ...	194 3 9	... ...	... ...	... ...	194 3 9	
Rajshahye.	Moorshedabad	... ...	790 10 9	... ...	... ...	... ...	... ...	790 10 9	249 1 3	32 0 0	455 0 5	... ...	... ...	... ...	736 1 8	
	Rajshahye	... ...	263 4 8	... ...	... ...	... ...	... ...	263 4 8	... ...	... ...	... ...	... ...	... ...	2 8 0	2 8 0	
	Pubna	... ...	118 0 1	... ...	... ...	19 15 0	67 0 11	205 0 0	... ...	... ...	5 0 0	... ...	... ...	253 12 9	258 12 9	
	Rungpore	... ...	887 0 0	... ...	... ...	... ...	45 7 3	932 7 3	8,894 19 5	2,021 0 0	3,348 12 10	... ...	... ...	... ...	14,264 7 3	
	Bograh	... ...	... ...	... ...	... ...	... ...	... ...	... ...	483 0 6	81 6 0	... ...	... ...	... ...	... ...	564 6 6	
	Dinagepore	... ...	... ...	... ...	40 10 9	... ...	... ...	40 10 9	50 0 0	50 0 0	... ...	... ...	... ...	31 14 0	131 14 0	
	Maldah	... ...	309 3 2	... ...	... ...	... ...	... ...	309 3 2	... ...	52 6 0	574 2 8	... ...	... ...	... ...	626 8 8	
Burdwan.	Burdwan	5 15 0	1,310 6 1½	... ...	... ...	302 4 0	... ...	1,618 9 1½	690 4 7	566 14 3	4 0 0	... ...	... ...	... ...	1,261 2 10	
	Hooghly	... ...	311 13 5	... ...	155 14 0	... ...	... ...	467 11 5	... ...	... ...	1,543 5 7	... ...	... ...	... ...	1,543 5 7	
	Bancoorah	... ...	1,671 3 0	... ...	... ...	... ...	... ...	1,671 3 0	99 7 3	19 5 0	94 0 0	... ...	... ...	83 8 0	296 4 3	
	Beerbhoom	106 15 11	15 14 4	... ...	... ...	... ...	... ...	122 14 3	... ...	31 11 0	2 0 0	... ...	85 4 0	... ...	118 15 0	
	Midnapore	1,294 5 8	458 9 9	... ...	... ...	... ...	... ...	1,752 15 5	... ...	438 1 8	50 7 8	... ...	... ...	418 1 0	906 10 4	
	Carried over	3,587 3 7	7,313 7 5½	... ...	479 8 6	417 7 9	477 3 2	12,274 14 5½	10,945 11 7	6,337 9 7	7,508 6 1	...	86 1 0	3,487 0 9	27,409 13 0	

Divisions	Zillahs.	Nature of Receipts. Sums awarded in favor of Government in Regular Suits.	Costs awarded in favor of Government whether in actions for or against Government.	Costs in Privy Council Appeals realized.	Costs in Pauper Suits realized, exclusive of Stamp Fees.	Costs in all other cases realized.	All sums otherwise realized in Judicial Proceedings.	Total.	Nature of Disbursements. Amount, including Costs, awarded against Government in Regular Suits.	Amount expended in prosecution of Suits in Court.	Amount expended in defence of Suits in Court.	Amount advanced in Privy Council Appeals.	Amount advanced in Pauper Suits, exclusive of Stamp Fees.	Miscellaneous disbursements on account of Judicial Proceedings other than those above adverted to.	Total.	Remarks.
		Rs. As. P.	Rs. As. P.	Rs. As. P.	Rs. As. P.	Rs. As. P.	Rs. As. P.	Rs. As. P.	Rs. As. P.	Rs. As. P.	Rs. As. P.	Rs. As. P.	Rs. As. P.	Rs. As. P.	Rs. As. P.	
	Brought forward...	3,587 3 7	7,313 7 5½	...	479 8 6	417 7 9	477 3 2	12,274 14 5½	19,940 11 7	6,387 9 7	7,508 6 1	...	86 1 0	3,487 0 9	37,409 13 0	
Nuddea	Nuddea ...	... ...	1,596 5 6	... ...	... ...	... ...	... ...	1,596 5 6	244 10 2	11 13 0	126 3 0	... ...	... ...	... ...	382 12 2	
	24-Pergunnahs ...	... ...	3,030 5 7	... ...	1,205 8 0	... ...	152 0 7	4,387 14 2	1,325 3 6½	256 15 0	... ...	... ...	... ...	5,770 5 4	7,352 7 10½	
	Jessore ...	... ...	50 0 0	... ...	... ...	... ...	... ...	50 0 0	461 4 9	7 2 0	204 8 5	... ...	... ...	240 0 0	912 15 2	
	Sounderbuns ...	... ...	241 13 0	... ...	... ...	... ...	... ...	241 13 0	1,255 1 6	2,130 7 2	4,840 5 1	... ...	... ...	... ...	8,225 13 9	
Dacca	Dacca ...	390 5 7	122 7 6	... ...	... ...	... ...	... ...	512 13 1	14 3 0	1,298 9 0	3,145 8 6	... ...	... ...	... ...	4,458 4 6	
	Furreedpore ...	... ...	13 8 3	... ...	... ...	... ...	... ...	13 8 3	... ...	... ...	26 2 10	... ...	... ...	39 0 0	65 2 10	
	Sylhet ...	... ...	80 14 3	... ...	5 8 0	... ...	... ...	86 6 3	54 1 3	148 13 6	63 8 2	... ...	... ...	26 8 0	292 14 11	
	Mymensing ...	... ...	2,039 4 1	... ...	... ...	... ...	... ...	2,039 4 1	414 6 11	150 11 0	339 5 0	... ...	... ...	... ...	904 6 11	
	Backergunge ...	8 5 0	... ...	... ...	... ...	... ...	... ...	8 5 0	611 2 8	61 14 0	818 0 4	... ...	13 10 3	7 9 0	1,512 4 3	
Cuttack	Cuttack ...	... ...	... ...	... ...	... ...	... ...	... ...	... ...	... ...	15 8 0	... ...	... ...	7 4 0	... ...	22 12 0	
	Balasore ...	... ...	... ...	... ...	50 0 0	... ...	... ...	50 0 0	... ...	... ...	... ...	... ...	5 12 0	... ...	5 12 0	
	Pooree ...	... ...	... ...	... ...	... ...	... ...	... ...	... ...	... ...	18 8 9	... ...	... ...	3 0 0	4 8 0	26 0 9	
Chittagong	Chittagong ...	... ...	169 13 1	... ...	... ...	... ...	... ...	169 13 1	... ...	3 8 0	0 8 0	... ...	... ...	77 12 0	81 12 0	
	Tipperah ...	345 3 5½	39 8 10½	... ...	... ...	... ...	... ...	384 12 4	50 10 0	624 13 8	73 9 3	... ...	0 4 0	3 2 6	752 7 5	
	Balloosh ...	... ...	1,479 1 4	... ...	... ...	... ...	... ...	1,479 1 4	... ...	43 12 2	19 13 3	... ...	11 8 0	1,612 5 4	1,687 6 9	
Hazareebaugh	Hazareebaugh ...	... ...	... ...	... ...	... ...	... ...	... ...	... ...	... ...	18 12 0	... ...	... ...	... ...	... ...	18 12 0	
	Lohardaggah ...	... ...	... ...	... ...	... ...	... ...	... ...	... ...	... ...	... ...	... ...	... ...	... ...	... ...	... ...	
	Maunbhoom ...	... ...	1,169 15 0	... ...	... ...	... ...	... ...	1,169 15 0	305 8 0	458 14 0	420 11 0	... ...	... ...	8 0 0	1,193 1 0	
Assam	Gowalparah ...	... ...	8 15 0	... ...	... ...	... ...	... ...	8 15 0	... ...	1 8 0	... ...	... ...	... ...	4 0 0	5 8 0	
	Durrung ...	... ...	25 0 0	... ...	... ...	... ...	... ...	25 0 0	... ...	... ...	... ...	... ...	... ...	... ...	... ...	
	Total ...	4,331 1 7½	17,380 6 11	... ...	1,740 8 6	417 7 9	629 3 9	24,498 12 6½	24,676 15 4½	11,639 4 10	17,586 8 11	... ...	127 7 3	11,280 2 11	65,310 7 3½	

Fort William,
The 26th August 1864.

F. R. COCKERELL,
Superintendent and Remembrancer of Legal Affairs.

E.

STATEMENT showing the Amount expended in Litigation, as contrasted with the Sums actually realized by Government under decrees of Court in the Salt and Opium Departments, from 1st May 1863 to 30th April 1864.

	Nature of Receipts.						Nature of Disbursements.					Remarks.
	Sums awarded in favor of Government in Regular Suits.	Costs awarded in favor of Government whether in actions for or against Government.	Fines and Penalties realized through the intervention of the Courts of Justice.	Costs in all other cases realized	All sums otherwise realized in Judicial Proceedings.	Total.	Amount, including Costs, awarded against Government in Regular Suits.	Amount expended in prosecution of Suits in Court.	Amount expended in defence of Suits in Court.	Miscellaneous Disbursements on account of Judicial Proceedings other than those adverted to.	Total.	
Salt Department.	Rs. As. P.	Rs. As. P.	Rs. As. P.	Rs. As. P.	Rs. As. P.	Rs. As. P.	Rs. As. P.	Rs. As. P.	Rs. As. P.	Rs. As. P.	Rs. As. P.	
Cuttack Agency	35 3 0	.....	.....	.....	.....	35 3 0	.....	144 7 0	88 8 0	.....	232 15 0	
Balasore ditto	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	
Pooree ditto	944 12 1½	16 13 4	.....	.....	.....	961 9 5½	.....	.....	.....	.....	.....	
Hidgellee ditto	2,479 2 6½	.....	.....	.....	.....	2,479 2 6½	135 4 4½	.....	.....	.....	135 4 4½	
24-Pergunnahs ditto	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	
Chittagong ditto	494 8 8	.....	.....	.....	.....	494 8 8	.....	.....	.....	396 2 3	396 2 3	
Total	3,953 10 3¾	16 13 4	.....	.....	.....	3,970 7 7¾	135 4 4½	144 7 0	88 8 0	396 2 3	764 5 7½	
Behar Opium Agency	.....	.....	.....	.....	.....	.....	.....	190 1 5	.....	.....	190 1 5	
Grand Total	3,953 10 3¾	16 13 4	.....	.....	.....	3,970 7 7¾	135 4 4½	334 8 5	88 8 0	396 2 3	954 7 0½	

FORT WILLIAM,
The 26th August 1864.

F. R. COCKERELL,
Superintendent and Remembrancer of Legal Affairs.

F.

GENERAL ABSTRACT STATEMENT showing the Amounts decreed in favor of Government in the Revenue Department realized and outstanding on the 1st May 1864.

Divisions.	Zillahs.	Outstanding on the 1st May 1863. Principal.	Interest.	Costs.	Awarded in favor of Government from 1st May 1863 to 30th April 1864. Principal.	Interest.	Costs.	Total.	Realized during the year 1863-64.	Balance.	Deduct, remitted by order of the Commissioner of Revenue or other Authorities.	Net Balance outstanding on the 1st May 1864.	Remarks.
		Rs. As. P.	Rs. As. P.	Rs. As. P.	Rs. As. P.	Rs. As. P.	Rs. As. P.	Rs. As. P.	Rs. As. P.	Rs. As. P.	Rs. As. P.	Rs. As. P.	
Patna.	Patna ...	95 0 9	... ...	... ...	83 15 5	0 3 6	... ...	179 3 8	98 0 0	81 3 8	... ...	81 3 8	
	Behar ...	1,020 2 3	... ...	46 0 0	440 12 2	186 8 10	54 14 0	1,748 5 3	1,056 1 0	692 4 3	... ...	692 4 3	
	Sarun ...	... ...	14 10 1	1,750 14 9¾	... ...	10 8 6	387 13 10	2,163 15 2¾	33 0 6	2,130 14 8¼	1,437 10 0¾	693 4 8	
	Shahabad ...	39,507 4 5½	46 8 0	7,320 11 2	5,503 7 2	148 4 1	78 15 9	52,605 2 7½	2,142 13 6	50,462 5 1½	40,002 14 6½	10,459 6 7	
	Tirhoot ...	669 11 1	... ...	35 1 8	676 10 9	1 7 0	42 5 6	1,425 4 0	64 15 2	1,360 4 10	251 12 7	1,108 8 3	
Bhaugulpore.	Bhaugulpore ...	1,041 5 0	... ...	58 8 0	62 5 5	3 0 0	1 4 0	1,166 6 5	55 9 0	1,110 13 5	... ...	1,110 13 5	
	Monghyr ...	... ...	... ...	1,803 7 0	... ...	... ...	958 3 0	2,761 10 0	... ...	2,761 10 0	... ...	2,761 10 0	
	Purneah ...	... ...	... ...	871 5 4	... ...	... ...	328 6 0	1,199 11 4	6 14 0	1,192 13 4	... ...	1,192 13 4	
Rajshahye.	Moorshedabad ...	... ...	... ...	3,491 15 5	... ...	... ...	128 12 0	3,620 11 5	790 10 9	2,830 0 8	1,611 15 7	1,218 1 1	
	Rajshahye ...	1,308 6 11	364 14 2	10 8 0	250 0 0	0 12 1	2 8 0	1,937 1 2	263 4 8	1,673 12 6	... ...	1,673 12 6	
	Pubna ...	... ...	... ...	513 1 8	... ...	67 0 11	263 2 7	843 5 2	205 0 0	638 5 2	... ...	638 5 2	
	Rungpore ...	... ...	... ...	611 13 2	... ...	... ...	814 8 0	1,426 5 2	887 0 0	539 5 2	... ...	539 5 2	
	Bograh ...	... ...	... ...	211 4 5	... ...	... ...	10 3 2	221 7 7	... ...	221 7 7	... ...	221 7 7	
	Dinagepore ...	228 1 2	... ...	... ...	... ...	86 1 10	34 8 0	348 11 0	... ...	348 11 0	... ...	348 11 0	
	Maldah ...	753 15 5	6 2 8	302 1 9	... ...	34 2 4	87 8 1	1,193 14 3	309 3 2	884 11 1	6 7 7	878 3 6	
Burdwan.	Burdwan ...	2,438 9 5½	... ...	56 14 6	389 10 11	221 8 4	30 9 6	3,137 4 8½	1,316 5 1½	1,820 15 7	34 8 8	1,786 6 11	
	Hooghly ...	... ...	... ...	1,200 10 1	... ...	16 1 9	2,365 12 7	3,583 2 5	211 13 5	3,371 5 0	... ...	3,371 5 0	
	Bancoorah ...	4,091 4 11	... ...	84 5 0	1,070 1 4	143 12 7	83 8 0	5,472 15 10	1,671 3 0	3,801 12 10	... ...	3,801 12 10	
	Beerbhoom ...	534 0 0	... ...	7 10 9	665 4 6	10 4 9	8 10 0	1,225 14 0	122 14 3	1,102 15 9	4 2 0	1,098 13 9	
	Midnapore ...	1,432 0 10	... ...	2,055 6 4	... ...	... ...	748 3 1	4,235 10 3	1,752 15 5	2,482 10 10	2 9 9	2,480 1 1	

NUDDEA.	Nuddea	...	...	...	...	...	...	1,916	15	10½	...	...	...	120	3	0	461	8	11	2,498	11	9½	1,596	5	6	902	6	3½	...	...	...	902	6	3½
	24-Pergunnahs	...	10,006	14	0½	233	5	9	224	14	8½	5,327	7	3	349	9	5	19	12	0	16,161	14	9	3,030	5	7	13,131	9	2	...	...	...	13,131	9	2
	Jessore	...	279	7	0½	9	8	10½	69	5	0	702	9	6	213	10	9	7	2	0	1,281	11	2	50	0	0	1,231	11	2	...	...	...	1,231	11	2
	Soonderbuns	...	6,997	3	5	26	14	0	59	3	0	4,461	11	9	38	3	10	75	12	0	11,659	0	0	241	13	0	11,417	3	0	898	8	3	10,518	10	9
DACCA.	Dacca	...	1,267	15	3½	...	...	...	94	3	0	443	3	0½	33	7	8	154	1	0	1,992	14	0	512	13	1	1,480	0	11	184	15	7½	1,295	1	3½
	Furreedpore	...	...	...	...	...	...	...	482	1	0½	...	...	...	...	...	...	217	8	5	699	9	5½	13	8	3	686	1	2½	...	...	...	686	1	2½
	Sylhet	...	2	2	0	...	...	...	2	10	0	143	9	9	1	15	0	17	6	0	167	10	9	80	14	3	86	12	6	...	...	...	86	12	6
	Mymeansing	...	4,247	4	2	...	...	...	153	4	9	2,186	7	4	243	15	11	167	9	9	6,998	9	11	2,039	4	1	4,959	5	10	1,692	10	2	3,266	11	8
	Backergunge	...	1,926	5	3½	1,100	1	2½	72	13	4	865	4	4½	196	3	0	143	1	0	4,303	12	2½	8	5	0	4,295	7	2½	...	...	...	4,295	7	2½
CUTTACK.	Cuttack	...	305	13	0	68	9	0	1	0	0	...	...	...	...	...	...	...	...	...	375	6	0	...	...	...	375	6	0	...	...	...	375	6	0
	Balasore	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
	Pooree	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	21	6	4	21	6	4	...	...	...	21	6	4	...	...	...	21	6	4
CHITTAGONG.	Chittagong	...	...	...	...	...	...	...	1,657	0	3	...	...	...	...	...	...	547	0	8½	2,205	0	11½	169	13	1	2,034	3	10½	283	13	4	1,750	6	6½
	Tipperah	...	2,650	8	11½	240	8	8½	106	4	5	206	13	7½	137	6	4	83	15	0	3,425	9	0½	384	12	4	3,040	12	8½	973	2	4½	2,067	10	4
	Bullooah	...	1,298	0	2½	...	...	...	19	0	0	639	6	2½	118	10	9	14	7	0	2,089	8	1½	1,479	1	4	610	6	9½	36	13	4½	573	9	5
HAZAREEBAGH.	Hazareebagh	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	14	12	0	14	12	0	...	...	...	14	12	0	...	...	...	14	12	0
	Lohardugga	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
	Maunbhoom	...	...	...	...	...	...	...	1,182	12	0	...	...	...	...	...	...	534	11	6	1,717	7	6	1,169	15	0	547	8	6	...	...	...	547	8	6
ASSAM.	Durrung	...	...	...	...	...	...	...	0	12	9	...	...	...	...	...	...	25	0	0	25	12	9	25	0	0	0	12	9	...	...	...	0	12	9
	Gowalparah	...	...	...	...	...	...	...	8	15	0	...	...	...	...	...	...	...	...	...	8	15	0	8	15	0	...	...	...	...	...	...	...	...	...
	Total	...	82,111	7	8	2,111	2	5½	26,452	13	9½	24,118	12	5½	2,283	2	2	8,934	12	8½	1,46,142	13	3½	21,798	8	5½	1,24,344	4	9½	47,421	15	10½	76,922	4	11

FORT WILLIAM,
The 26th August 1864.

F. R. COCKERELL,
Superintendent and Remembrancer of Legal Affairs.

G.

GENERAL ABSTRACT STATEMENT showing the Amounts decreed in favor of Government in the Salt and Opium Departments realized and outstanding on the 1st May 1864.

Department.	Outstanding on the 1st May 1863.			Awarded in favor of Government from 1st May 1863 to 30th April 1864.			Total.	Realized during the year 1863-64.	Balance.	Deduct, remitted by order of the Commissioner of Revenue or other Authorities.	Net balance outstanding on the 1st May 1864.	Remarks.
	Principal.	Interest.	Costs.	Principal.	Interest.	Costs.						
Salt Department.	Rs. As. P.	Rs. As. P.	Rs. As. P.	Rs. As. P.	Rs. As. P.	Rs. As. P.	Rs. As. P.	Rs. As. P.	Rs. As. P.	Rs. As. P.	Rs. As. P.	
Cuttack Agency	10,669 9 5	1,709 0 2	534 12 0	.....	.....	144 7 0	13,057 12 7	35 3 0	13,022 9 7	3,548 2 1	9,474 8 6	
Balasore ditto	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	
Pooree ditto	74 3 10½	.....	16 13 4	.....	870 8 3	.....	961 9 5½	961 9 5½	.....	.....	.....	
Hidgellee ditto	15,547 2 7	.....	1,244 1 7½	.....	.....	145 4 4½	16,936 8 7	2,479 2 6½	14,457 6 0½	.....	14,457 6 0½	
24-Pergunnahs ditto	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	
Chittagong ditto	9,696 11 7	.....	.....	.....	.....	.....	9,696 11 7	494 8 8	9,202 2 11	4,918 8 4	4,283 10 7	
Total	35,987 11 5½	1,709 0 2	1,795 10 11½	.....	870 8 3	289 11 4½	40,652 10 2½	3,970 7 7½	36,682 2 6½	8,466 9 5	28,215 9 1½	
Behar Opium Agency	.....	.....	.....	2,504 15 3	12 11 9	333 15 11	2,851 10 11	.....	2,851 10 11	.....	2,851 10 11	
Grand Total	35,987 11 5½	1,709 0 2	1,795 10 11½	2,504 15 3	883 4 0	623 11 3½	43,504 5 1½	3,970 7 7½	39,533 13 5½	8,466 9 5	31,067 4 0½	

Fort William,
The 26th August 1864.

F. R. COCKERELL,
Superintendent and Remembrancer of Legal Affairs.

H.

ABSTRACT STATEMENT showing the Disbursements, Receipts, and Outstanding Balances on account of Law charges for the year 1863-64.

Disbursements.	Rs. As. P.	Receipts.	Rs. As. P.	Outstanding Balances.	Rs. As. P.	Remarks.
Awarded against Government in Regular Suits, including costs	24,812 3 9	Realized under Decrees of Court, &c., &c. ...	26,728 11 8¼	Revenue Decrees	76,922 4 11	
Amount expended in the prosecution of Suits in Court	11,973 13 3	Costs realized in Pauper Suits, exclusive of Stamp Fees	1,740 8 6	Salt and Opium Decrees	31,067 4 0¾	
Amount expended in the defence of Suits in Court	17,675 0 11					
Amount advanced in the Mofussil in Privy Council Appeals ...	0 0 0					
Ditto ditto in Pauper Suits	127 7 3					
Miscellaneous disbursements on account of Judicial Proceedings ...	11,676 5 2					
Total ...	66,264 14 4	Total ...	28,469 4 2¼	Total	1,07,989 8 11¾	

Fort William,
The 26th August 1864

F. R. COCKERELL,
Superintendent and Remembrancer of Legal Affairs.

Printed at the Bengal Secretariat Office.

No. 320.

FROM J. GEOGHEGAN, ESQ.,

Under-Secretary to the Government of Bengal,

TO THE SECRETARY TO THE BOARD OF REVENUE, L. P.

Fort William, the 16th January 1865.

Judicial.

SIR,

THE Report* from the Superintendent and Remembrancer of Legal Affairs for the year 1863-64, forwarded with your letter No. 385, dated the 28th September last, having been laid before the Lieutenant-Governor, I am directed by His Honor to communicate the following remarks:—

* To Secretary, Board of Revenue, No. A., dated 26th August 1864.

2. The results of the original suits and appeals instituted, which are detailed in the 3rd paragraph of the Legal Remembrancer's Report, are considered by the Lieutenant-Governor to be satisfactory, but the number of cases (33) in which Government was cast in both the Lower and Appellate Courts displays an amount of persistence in litigation which could only be justified by much more favorable results.

3. The Lieutenant-Governor approves of the orders issued by the Board on the subject of the resumed Fisheries, as reported in the 3rd paragraph of your letter.

4. The realizations under Court Decrees in the Land Revenue, Salt, and Opium Departments, as compared with the charges incurred in those Departments in litigation during the year under review, cannot be considered satisfactory; a loss of Rupees 37,795† having been incurred by the Government. The diminution, however, in the outstanding balances due to Government, which in the year 1862-63 aggregated Rupees 1,73,682, but which have been reduced to Rupees 1,07,989 in 1863-64, is a favorable result.

† Amount expended	Rs.	...	66,264
„ realized	„	...	28,469
Loss incurred	„	...	37,795

5. With reference to the remarks made by Mr. Cockerell in the 50th paragraph of his Report on the subject of the suits instituted in connexion with the estate of the deceased Ghatwal Ooditharain, I am to request that the Board will be good enough to submit, for the information of the Lieutenant-Governor, an expression of their opinion on the matter, especially as to whether it would not be advisable to abstain from similar actions in future.

6. The Lieutenant-Governor agrees with the Board in the opinion expressed by them in the concluding paragraph of your letter, regarding the working of the Legal Remembrancer's Department by Messrs. Hobhouse and Birch during the year under review, and I am to convey His Honor's acknowledgments for the careful Report submitted by Mr. Cockerell.

I have the honor to be,

SIR,

Your most obedient Servant,

(Sd.) J. GEOGHEGAN,

Under-Secretary to the Government of Bengal,

[Exd. W. Hungerford.]

REPORT

ON

THE LEGAL AFFAIRS

OF THE

BENGAL GOVERNMENT

FOR THE

YEAR 1864-65.

Calcutta:
E. DEAN, CALCUTTA CENTRAL PRESS COMPANY, LIMITED
5, Council House Street.

1865.

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CALCUTTA CENTRAL PRESS COMPANY, LIMITED,
5, COUNCIL HOUSE STREET.

No. 297.

FROM

R. B. CHAPMAN, ESQ.,
Secretary to the Board of Revenue, L. P.,

TO

THE SECRETARY TO THE GOVERNMENT OF BENGAL.

Dated Fort William, the 11th September, 1865.

SIR,

Land Revenue Miscellaneous.
A. GROTE and E. T. TREVOR, Esqrs.

IN submitting (in original) the Report with its accompanying Statement of the Superintendent and Remembrancer of Legal Affairs, dated 12th ultimo, on the legal affairs of Government for the past year 1864-65, I am directed to state, generally, the Board's concurrence in the views expressed therein. The results of the litigation carried on may be considered as, on the whole, satisfactory, and they think that Mr. Cockerell is entitled to great credit for his able administration of the important department over which he has presided during the year.

2. Referring to the concluding paras. of the Report, the Board agree in Mr. Cockerell's estimate of the importance to this branch of the duty of the District Officers, and approve of the course which Mr. Cockerell has taken of noticing cases in which this duty has been neglected. They think that such cases should invariably be noticed in the Annual Reports of the Legal Remembrancer.

3. Mr. Henderson, Collector of Mymensing, will be called on for explanation, and attention to the subject will be enforced upon Collectors generally, when printed copies of the Report are ready for distribution.

I have the honor to be,
Sir,
Your most obedient Servant,
R. B. CHAPMAN,
Secretary.

FROM

F. R. COCKERELL, ESQ.,

Superintendent and Remembrancer of Legal Affairs,

To

THE SECRETARY TO THE BOARD OF REVENUE, L. P.

Dated Fort William, the 12th August, 1865.

SIR,

I HAVE the honor to submit the accompanying Report on the legal affairs of the Bengal Presidency for the year 1864-65.

2. The total number of cases pending on the 1st May, 1864, was 449, of which 226 were original cases, and 223 were appeals. During the year 1861-65, 551 cases were instituted in the Courts of first instance, and 325 in the Appellate Courts,—total 876, showing an aggregate of 777 original suits, and 548 appeals.

3. Of the original cases, 369 have been decided in favor of Government and 116 against it,—total decided 485, pending 292. Of the 116 cases shown as decided against Government, 11 cases were compromised; in 47 cases, the decisions against Government have been reversed in appeal; and in 14, appeals are still pending; the actual number lost in litigation, so far, is therefore 58. Of these, no less than 20 are Julkur cases, in which the Revenue Officers had applied the resumption law—Regulation II of 1819—and which, consequently, under the ruling of the High Court in the case of Syed Sudurooddeen, detailed mention of which has been made in this Report, we were obliged to abandon. Of the appeals, 230 cases have been decided in favor of, and 90 against, Government,—total decided 320, pending 228. The total number of favorable decisions is 657, unfavorable 148, and the number pending on the 30th April 1865 was 520.

4. The following Table gives a comparative view of the results of the litigation in which Government was concerned during the year under review and the last preceding year :—

	1863-64.												1864-65											
	GOVERNMENT—PLAINTIFF OR APPELLANT.						GOVERNMENT—DEFENDANT OR RESPONDENT						GOVERNMENT PLAINTIFF OR APPELLANT						GOVERNMENT—DEFENDANT OR RESPONDENT					
	Total number of cases pending	Decided in favor of Government	Decided against Government.	Total decided.	Percentage of cases decided in favor of Government	Percentage of cases decided against Government	Total number of cases pending.	Decided in favor of Government.	Decided against Government.	Total decided.	Percentage of cases decided in favor of Government	Percentage of cases decided against Government	Total number of cases pending	Decided in favor of Government	Decided against Government.	Total decided.	Percentage of cases decided in favor of Government	Percentage of cases decided against Government.	Total number of cases pending	Decided in favor of Government	Decided against Government	Total decided	Percentage of cases decided in favor of Government	Percentage of cases decided against Government.
Original suits .. .	119	69	30	99	69¼	30¾	330	321	103	424	76	24	56	33	6	39	84¼	15¾	721	394	52	446	88¼	11¾
Regular appeals ...	151	44	28	72	61	39	307	300	25	325	88¼	11¾	127	47	43	90	52¼	47¾	295	129	35	164	78¼	21¾
Special appeals	18	7	5	12	58¼	41¾	92	36	2	38	94¾	5¼	21	11	2	13	84¾	15¼	98	38	10	48	77	23
Summary appeals .. .	1	1		1	100		5	3		3	100	..	1	1		1	100		6	4		4	100	

5. The amount expended in litigation during the year is Rs. 69,091-12-7¼ in the Land Revenue Department, and Rs. 4,781-2-5 in the Salt and Opium Departments,—total Rs. 73,872-15-0¼.

6. The realizations under decrees of Court have amounted to Rs. 26,248-15-5¼ in the Land Revenue Department, and Rs. 2,780-13-8 in the Salt and Opium Departments,—total Rs. 28,929-13-1½.

7. The outstanding balances due to Government are as under :—

	Rs.	As.	P.
Revenue decrees	88,382	3	4¾
Salt and Opium*...	1,46,904	2	5¾
Total Rupees ...	2,35,286	5	10½

8. In 41 cases, the Government failed both in the Court of first instance and in the Appellate Court. In explanation of this apparently excessive persistence in litigation on insufficient grounds, it is to be observed that of these 41 cases, 17 are governed by one decision; they appertain to the Furreedabad Mehal, which was purchased by Government whilst these suits, which had been instituted by the former proprietor, were pending. An adverse decision was passed in the Lower Court, against which the Government, relying on the information obtained on local investigation, appealed on grounds of fact: the cases involving a mere boundary dispute, we were unable to contest the matter further.

9. Ten other cases, involving a right to Julkurs of navigable rivers, were governed by the High Court's decision in the case of Syed Sudurooddeen. In the Court of first instance, these suits were decided against Government on their merits; appeals were made before the decision above cited was passed. We have since compromised or abandoned all cases involving the same questions that have been instituted against Government, and are now trying the merits of our claim by a regular suit.

10. Five out of the above 41 cases belong to a class which the returns of the last two years show to be of frequent occurrence in the Dacca Division, and especially in the Dacca District; they involve mere boundary disputes, arising on the re-settlement of Khas Mehals; and unsuccessful litigation in regard to them is obviously the necessary result of the imperfect information as to facts obtained and supplied by the local officers.

11. Of the remainder, the following cases seem to call for special notice :—

No. 1.

SYED SUDUROODDEEN, *alias* NAWAB JAN, *Plaintiff*,

versus

COLLECTOR OF MALDAH, *Defendant*.

12. This suit had reference to one of the many cases of resumption by the Collector, under Regulation II of 1819, of the Julkurs of navigable rivers, the resumption proceedings having been instituted in accordance with the directions of the Board of Revenue, conveyed in their Circular No. 341, dated 12th September, 1859.

13. Plaintiff claimed the resumed Julkur as included in his rent-free estate, and the Court of first instance decreed his claim. On appeal, it was urged,—

1*st*.—That in the grant of the plaintiff's rent-free estate there was no mention of any Julkur as forming part of the assets of such estate.

* Of this sum, Rs. 1,13,000 are outstanding in the 24-Pergunnahs. This item did not appear in the Report of the preceding year, in consequence of the Return not having been received in time.

2ndly.—That if the rent-free tenure did include the Julkurs within its boundaries as forming a portion of its assets, the fisheries of navigable rivers, such as that which forms the subject of the present suit, cannot be held to come within that denomination.

3rdly.—That as Julkur forms part of the assets of an estate upon which the revenue assessment is made for the purpose of assessing public revenue, the term land, as used in the resumption laws, must be held to include water; hence the law under which land, liable to revenue assessment, as having been excluded from the permanent settlement, can be resumed by Revenue Officers is, by a parity of reasoning, equally applicable to the case of rivers so excluded.

14. The District Judge held that the first Court's decree must be upheld, inasmuch as the Collector's proceedings, under Regulation II of 1819, were without foundation—the resumption laws being applicable to land only, and not to the subject of the present suit.

15. Looking at the importance of the question at issue in this case, with regard to its bearing upon the course to be taken in a very large number of similar cases in which the Government had been sued for the cancelment of the resumption proceedings of its Revenue Officers, it was deemed expedient to take the case up to the High Court on special appeal.

16. The appeal was maintained on the ground of the applicability of the resumption law—Regulation II of 1819—to the case of rivers equally with that of land, which had not been included in the general assessment of estates at the time of the permanent settlement.

17. The Appellate Court held that the claim to resume *land* not included in the assets of estates which have been duly assessed, is based upon the right of the Government to a part of the produce of every beegah of the soil as revenue, whereas the claim to the proceeds of navigable rivers is founded on an assumed right in Government, as trustee of the waterways of the country, to make such assignment of them as it pleases to any person on the payment of revenue in the form of a fishery rent, and, on this consideration, concurred in the Lower Court's conclusion as to the inapplicability of the resumption law—Regulation II of 1819—to the subject of this suit.

18. The Government must prosecute its claim in the Civil Court as an ordinary litigant.

19. Under this ruling, the further defence of several suits, instituted under precisely analogous circumstances, has been abandoned, and the Government is now trying the question its just rights in the matter of these fisheries in a regular suit.

No. 2.

GOVERNMENT, *Plaintiff*,
versus
ZOUK LOLL, *Defendant*.

20. In this suit, the Government represented the interests of Ummer Singh, a rebel, whose property had been escheated, and from whom, previous to this act of rebellion, the defendant of had borrowed the sum of Rs. 3,000.

21. For the due payment of the interest on this loan, defendant pledged Mouza Basdeeha, within Talook Shahpore, and, as security for the recovery of the principal, he executed a conditional deed of sale in favor of Ummer Singh in respect of his entire share of Talook Shahpore.

22. Previous to these transactions he had borrowed Rs. 400 from Ablak Ram, providing for the repayment of the principal and interest on the same by the execution of a deed in favor of his creditor in respect of the same property.

23. As the defendant was found to have made no payment to Ummer Singh, the Government sued in respect of the separate engagement by which the defendant pledged Mouza Basdeeha as security for the payment of interest due on the sum borrowed from Ummer Singh.

24. Meanwhile, Abilak Ram had caused the defendant's entire interest in Talook Shahpore to be sold in satisfaction of his own claim, under the prior instrument executed by the defendant; and as the Mouza Basdeeha was included in this sale, the Government was opposed in its suit by the auction purchaser.

25. The Court of first instance decreed the claim of Government, but this order was reversed by the Judge, on appeal, who held that Mouza Basdeeha formed part of the property pledged to Abilak Ram in satisfaction of the defendant's prior debt to that individual, and that it was, consequently, necessarily included in the sale to the opponents in the suit of Government.

26. Against this decision we appealed to the High Court, contending that the Judge had misapprehended the nature of the deed propounded by Abilak Ram, inasmuch as that instrument, in the first place, did not constitute a mortgage or conditional conveyance or assignment of the property to which it related; and, secondly, did not include Mouza Basdeeha in its application.

27. The deed in question set forth the fact that defendant was proprietor of a quarter share in Talook Shahpore, and then proceeded to declare the rents of two villages to be hypothecated to the payment of interest on Abilak's loan, and, further, bound the defendant not to alienate his share in the property till he has repaid the principal of the debt.

28. The High Court held that the defendant, Zouk Loll, bound himself by the prior deed, executed in favor of Abilak Ram, not to alienate by mortgage or sale his quarter share in the property which he describes as Mouza Shahpore and Baloon, &c.; that if, therefore, Mouza Basdeeha was included in the property thus specified, it was covered by the document abovementioned. The Court, therefore, deemed interference with the Judge's order unnecessary, and dismissed the special appeal.

29. This decision cannot but be regarded as unsatisfactory, as it leaves the real question at issue untouched, which was this—Looking at the wording of the deed, did it place the restriction, as regards alienation, on the entire property, or merely on the two specified villages, the rents of which were hypothecated to the payment of the interest on the loan? Judging by the small amount of the loan as compared with that taken from Ummer Singh, for the repayment of which the mortgage of the entire property was deemed sufficient, it was reasonably argued that the specified villages only were bound by the former document.

No. 3.

GOVERNMENT, *Plaintiff*,

versus

DOORGA PROSHAD PAL AND LOKEEKANT PAL, *Defendants*.

30. This suit involved a claim, on the part of Government, to obtain possession of a newly formed chur, which was bounded on two sides by the River Megna and on the other sides by churs Kistopoor and Ghazeepore Muneepoora, as an increment to the latter, under Section 4, Regulation XI of 1825.

31. In 1851 the attention of the Revenue Officers was directed to the existence of this newly-formed chur, which was then represented to be an island surrounded by unfordable rivers, by an application for settlement. On local investigation, however, the fact of its liability to resumption as an island was considered doubtful, and the Collector refrained from instituting resumption proceedings, and the chur remained in the defendant's possession.

32. In 1858 the present suit was instituted, and met by the defendant's allegation of possessory title to the chur as a re-formation on its old site of their diluviated mehal—chur Haradee Soladee.

33. The Court of first instance dismissed the suit as barred by Act IX of 1847, and on the ground of the correctness of defendant's allegation.

34. The Judge, before whom the case went on appeal, held that the newly-formed chur was an increment to the Government estate, and decreed the claim. The case was, on the defendant's special appeal, remanded for a clear finding on the issues—

1*st*.—Was the disputed chur an accretion to the Government churs; and if so, to what churs?

2*nd*.—Did it constitute a re-formation on the site of the defendant's diluviated mehal?

35. On the retrial, the Judge decided that the new chur had re-formed on the site of the defendant's diluviated chur, Harade Soladee, and held that, whereas the Government had first claimed, and then abandoned its claim to, the chur as an island, it could not now maintain a new claim on the ground of accretion.

36. Against this decision we preferred a special appeal, contending that there was no law by which the defendant could claim this chur as a re-formation on the site of a mehal which had been completely extinguished; that the Government, so far from claiming the land originally as an island, had, upon the result of the local investigation of its Revenue Officers in 1851, abstained from making any such claim.

37. The Court, on the consideration that it had been found as a matter of fact that the disputed chur had not accreted, or been joined, to the Government estate, but was separated therefrom by a navigable body of water up to 1857, and that the subsequent drying up of the stream intervening between it and the Government estate could not divest it from the defendant's possession and give it, as an accretion, to the plaintiff's property, dismissed the appeal.

38. A review of this decision was applied for, on the ground of the Court's misconstruction of the facts of the case as regards the condition of the channel intervening between the disputed chur and the Government estates; it being contended that so far from the new chur having been separated from the estates, as an increment to which it was claimed, by a navigable body of water, the very contrary condition of circumstances had influenced the Collector's refusal to resume—as, had it been an island, he might have done—from 1851, when the existence of the chur was brought to notice, up to 1856.

39. The review was rejected, on the ground that the action to obtain possession of the disputed chur, as an accretion, was only attempted when previous proceedings, undertaken to establish a claim to it as an island, had failed, and that the finding regarding the lands in dispute being surrounded by a navigable body of water at the time of their first formation, was well supported by evidence.

40. Our contention was that when the existence of the new chur first became known to the Revenue Officers, it was not an island within the meaning of Clause 3, Section 4, Regulation XI of 1825, as, if it had been so, it could not have been at once resumed as the property of Government under that law.

41. It is clear that the defendant could have no legal title to it, as the law recognizes no rights in respect of re-formations on sites of land, every particle of which has been washed away, where retention of ownership in the site cannot, as in the present case, be established.

42. The newly-formed chur was either an island or an increment to one of two adjoining estates, both of which were the property of Government, and in either case the right of ownership was clearly with the Government.

43. The practical effect of the Court's decision has been that, assuming the land to have been an island at the time of its original formation, the Government cannot recover possession from the defendant who has usurped it, because it failed to become acquainted with the existence of the land when it could have been resumed as an island.

44. The supposition which is recorded in the decision of both the lower and higher Appellate Courts, that the Government has first founded its claim on one cause of action, and then shifted its ground to another, on the failure of the first ground, is wholly opposed to the facts of the case.

No. 4.

KOMOLAKANTH MOOKANTEE, *Plaintiff*,
versus
GOVERNMENT, *Defendant*.

45. This case is noticed as involving the important question of the right of appeal in the matter of costs.

46. The suit was for the reversal of a survey Thâkbust award, by which the land claimed by plaintiff had been demarcated as within the boundaries of a Khas Mehal belonging to Government. The latter made no defence to the suit in the way of contesting plaintiff's right, but confined itself to a statement of the facts within its knowledge regarding the subject of suit, and pleaded its right to obtain costs.

47. The Court of first instance and Lower Appellate Court, both refusing costs to Government, a special appeal was preferred on this point, when the High Court ruled that, although in this as in other like cases it is, as a general rule, proper for the Lower Court to award costs to the party who has unnecessarily been made a co-defendant, as an indemnity against the expenses to which such party has been needlessly subjected, yet as by Section 187, Act VIII of 1859, such award is a mattter left to the discretion of the Court, no appeal lies, and the order of the Lower Court cannot be set aside.

48. An application for review of this judgment was made, but unsuccessfully.

49. There is nothing in the Section above cited by which the general power of revision vested in the Appellate Court is restricted, as regards the matter of costs, more than any other award of a subordinate.

50. It contains a declaratory provision as to a necessary appendage to, or part of, the contents of every judgment passed by the Civil Courts.

Hurochur Mookerjee, *Plaintiff, Appellant*,
versus
Abdool Huq Kazee and others, *Defendants, Respondents*.
Dated 9th September, 1864.

Syed Afzul Hossein and others, *Defendants, Appellants*,
versus
Heera Lall, *Plaintiff, Respondent*.
Dated 2nd February, 1865.

Government, *Defendant, Appellant*,
versus
Musst. Saonla, *Plaintiff, Respondent*.
Dated 15th May, 1865

51. This construction of the law, moreover, conflicts with the action taken by the High Court in the appeal cases marginally noted, in which, on the sole question of costs, the Court exercised the power of interference, which in this suit has been declined, although the incorrectness of, and practical injustice inflicted by, the Lower Court's order is admitted, on the score of a want of jurisdiction.

52. I propose to take the first opportunity of bringing the question involved in these conflicting decisions before a full Bench for some authoritative construction of the law on this point, the matter being of considerable importance to the interests of Government, who is so frequently made a party to suits unnecessarily, and against whom an unreasonable order in the matter of costs is constantly given by the Courts of first instance, and to whom, therefore, the remedy of appeal is especially necessary.

No. 5.

MUNDAKINEE DEBYA, *Plaintiff*,

versus

COURT OF WARDS, in re *Ramrunjun Chuckerbutty, a Ward of the said Court.*

53. This was an action brought by the next of kin to Ramrunjun Chuckerbutty, a minor, whose affairs had been brought under the superintendence of the Court of Wards, to restrain the latter from removing the minor, a boy about 12 years of age, from his native place to Calcutta, for the purpose of being educated at the Wards' Institution.

54. The contention of the plaintiff was that the order for the boy's removal to Calcutta, which had been issued by the Board of Revenue in communication with the Local Government, contrary to the opinion, and in supercession of the action, of the local representatives of the Court of Wards, the Commissioner, and the Collector, regarding the education and the disposal of the person of the minor, was without proper jurisdiction, inasmuch as the existing law vested the Commissioner with final authority in these matters, and that the execution of the order of removal to the Calcutta Wards' Institution would entail certain injury to the bodily health and moral character of the young ward.

55. The defendant denied the power of the Civil Court to take cognizance of any suit of this nature, or to interfere in any way with the Court of Wards in the exercise of its legitimate functions.

56. As regards the special plea raised by the plaintiff, they contended that the Board of Revenue is, by Regulation I of 1820, declared to be subject to the general control and direction of the Government, the chief supervising authority of the body of officers constituting the Court of Wards, and on the merits, that the evidence afforded no grounds whatever for the assumption that injury to the boy's health, &c., would necessarily result from his removal to Calcutta.

57. The Judge removed the case for adjudication from the Court in which it had been instituted to his own Court, and issued a peremptory injunction on the Collector, as the local representative of the Court of Wards, to abstain from removing the boy beyond the limits of the Court's jurisdiction, pending the issue of the suit.

58. The issue of his injunction, it should be here observed, was entirely beyond the Civil Court's jurisdiction: such an injunction is only authorized by the Civil Procedure Code, Section 81, in the case of property, and this provision of the law is clearly inapplicable to persons; the Judge's order was, therefore, wholly illegal and, as such, should have been disregarded by the Collector, acting as the local representative of the Court of Wards.

59. On the hearing of the suit, it was determined in respect of the several pleas raised,—

1*st*.—That the Civil Courts had power to take cognizance of suits of this nature.

2*nd*.—That the orders of the Commissioner, in regard to the direction of the education and disposal of the person of a minor who has been brought under the care of the Court of

Wards, are not final, but subject to revision by the Board of Revenue as the chief supervising authority of the said Court.

3rd.—That the evidence afforded sufficient grounds for presuming that the removal of the boy to Calcutta, in his present state of health, was likely to cause serious bodily injury, and should therefore be prevented.

60. The Judge therefore decreed the case, and reversed the order of the Board of Revenue for the ward's removal to Calcutta.

61. On appeal to the High Court, this decision was reversed, it being ruled that the Civil Courts have no power of interference with the acts of the Court of Wards in the exercise of its legitimate functions, and that the determination of the place where the minor was to be educated, and the adoption of measures to give effect to that determination were, under the provisions of Act XXVI of 1854, clearly within those functions.

62. The High Court, however, saddled the minor's estate with the whole cost of these proceedings.

63. This order of the Court, in respect of the costs, seems to be wholly inconsistent with the principle of the judgment to which it is appended. That judgment determined that the action of the Court of Wards, in the matter of the removal of the boy from his native place to Calcutta, for the purpose of giving him a sounder and more advanced education, did not go beyond its unquestionable legal functions, with the exercise of which no power of interference is vested in the Civil Court by the law. It seems to follow from this that the plaintiff had no legitimate ground of action against the Court of Wards, and ought, therefore, to have been made personally liable for the cost of these vexatious proceedings, through which, for a considerable length of time, the Court of Wards has been obstructed in the exercise of its proper jurisdiction regarding the disposal of the person of the minor.

64. The mischievous effect of this order in regard to costs, through which the plaintiff escaped with complete personal impunity, the consequences of her unsuccessful action, has been to encourage her in her obstructive policy towards the Court of Wards, and thereby to protract litigation at the expense of the ward's estate.

65. The High Court's decision was appealed to the Privy Council, and the plaintiff applied to the Court to cause all action upon its decision, on the part of the Court of Wards, to be suspended until the issue of her appeal to the Privy Council.

66. The Court ruled, upon this application, that the effect of its judgment was to declare any interference with the jurisdiction of the Court of Wards on the subject of this suit beyond the power of the Civil Court; hence it would be inconsistent with the principle of this judgment to accede to the plaintiff's application.

67. The Court of Wards then, failing to obtain possession of the minor's person, applied to the local Civil Court to give effect to the right of possession and disposal of the person of its ward, which had practically been awarded to it by the High Court's decision. Here, again, the plaintiff's opposition was encountered, but eventually overruled on a reference to the High Court. The Lower Court, after deciding that it had power to act summarily on this application, issued an order for the delivery of the person of the minor to the custody of the Court of Wards. The plaintiff appealed against this order to the High Court, contending that, in its issue, the Lower Court exceeded its jurisdiction. It was argued that the Civil Court could not grant an injunction, unless there was a suit then pending before it; that a natural father could

not evoke the aid of the Civil Courts in a summary way for the recovery of the possession of his own child, there being no jurisdiction equivalent to that conferred by the English Habeas Corpus Act in the Mofussil, and the Court of Wards in this matter was simply *in loco parentis* and could claim no rights denied to the natural father; that the case before the Court was a *casus omissus* of the Legislature, and the Revenue Authorities should be advised to apply to the Legislature, or enforce their right to the possession of the minor in some other way.

68. The Court held that, as the effect of their previous decision in the suit was to declare the right of the Court of Wards to the possession and disposal of the minor, the Collector's application, having for its object the enforcement of the Court's decision, was one that the Court was fully justified in entertaining, and that, in acting in compliance with its requisition, the Lower Court was in fact only giving practical effect to the measure which the High Court's previous decision rendered expedient and just.

69. The correctness of this ruling, on the grounds taken by the Court, seems somewhat doubtful, and it would hardly be a safe precedent to rely on in any future similar case of difficulty that may arise.

70. The logical consequence of the High Court's decision on Munda Kinee Debya's suit seems rather to leave the Court of Wards in the position which it occupied in regard to its ward previous to the institution of this suit, at liberty to exercise its legitimate authority in the disposal of the minor's person, unmolested by the interference of the Civil Court, and not to place the agency of the Civil Court at the disposal of the Court of Wards for the recovery of the possession of the minor which it had lost.

71. The proceedings in this case have been thus detailed, as they seem to me to illustrate the imperfect state of the existing law as regards the jurisdiction of the Court of Wards. It is shown to have no power of enforcing its admitted legal authority, where such is vexatiously opposed through personal prejudices or interested motives, save by subjecting the estate of its ward to the expense of a regular suit.

72. Previous to the institution of this suit, the person of the minor was in the possession of the Court; through the legal proceedings of the Civil Court that possession was lost, and the minor's estate subjected to heavy expenses.

73. For two years the objectionable spectacle of the impotency of the Court of Wards to assert, and give effect to, its legitimate authority over the person of the minor, Ramrunjun Chuckerbutty, has been exhibited to the people of the district of Beerbhoom in which the ward's residence and property are situated.

74. In this state of things, legislative action seems necessary to give to the Court of Wards powers somewhat equivalent to those vested in the Lord Chancellor of England, and thus enable it to provide effectually for the best interests of the wards, whose persons and property are by the law placed under its care.

No. 6.

GOVERNMENT, *Plaintiff*,

versus

MOHEEMA CHUNDER ROY, *Defendant*.

75. This suit was to obtain possession of about 3,000 beegahs of land, appertaining to Chuck Pootee Khally Mehdeepore, in the Soonderbuns, which had been resumed under orders of the Special Commissioner in 1837.

76. Adjacent to the boundaries of Mehdeepore was another chuck, called Sona Khally Pootee Khally, regarding which resumption proceedings were also pending, but in a different Court, at the time of the Special Commissioner's decretal order. The survey officer included both chucks in his measurements, and it was probably owing to this circumstance that the subsequent confusion of the names and boundaries of these two distinct mehals arose, which led to this suit.

77. The Special Commissioner's decision was recorded, in detail, in one of 64 cases which were all governed by it, and an abstract of its purport was appended to each case, together with a description of the boundaries of the mehal to which the case appertained. The general decision was attached to Case No. 330, whilst No. 377 had reference to Chuck Pootee Khally Mehdeepore; in the abstract of decision appended to the latter, the boundaries of Mehdeepore were correctly entered; in No. 330, those of Sona Khally Pootee Khally were substituted for the boundaries of Pootee Khally Mehdeepore.

78. The Soonderbuns Commissioner, in 1838, proceeded to execute the decree, and guided by the misdescription of boundaries contained in Case No. 330, without apparently looking at No. 377, which would have then brought the error to light, took possession of the lands of Sona Khally Pootee Khally, the resumption of which at that time had not been completed, and the defendant's predecessor was left in undisturbed possession of Pootee Khally Mehdeepore. Subsequently, *i. e.*, in 1846, the proceedings in the case of Sona Khally were brought to a close, and that chuck was also resumed. In 1848, on attempting to execute this last decree, the former mistake was discovered, and it was found that the land covered by this decree was already in our possession.

79. Upon this the Commissioner proceeded, in 1849, to execute again the former decree, and by virtue of it attached the lands of Chuck Mehdeepore, the subject of this suit. The defendant appealed to the Special Commissioner, who, in 1854, decided that as there was a discrepancy between the records of the decision attached to Cases Nos. 330 and 377, the decree awarded by that decision could not be executed, and that his powers as Special Commissioner being restricted to dealing with applications for the execution of decrees, he had no jurisdiction to entertain the question of reconciling the discrepancy which barred the execution of the decree, as such a course would involve interference with the decision upon which the decretal order was based.

80. Several attempts were made to have this order set aside on review, but unsuccessfully; and as, by virtue of the distinct resumption decrees, the Government was clearly entitled to both these mehals, this suit was brought for the recovery of that of which it had been kept out of possession.

81. The Court of first instance dismissed the suit as being not cognizable by the Civil Court, on the ground of it having for its object the reversal of the orders of the Special Commissioner, with which, as a perfectly independent tribunal, the Civil Court has no power of interference. On appeal, it was contended that such was not the object of the suit; that our claim was to obtain possession of Chuck Pootee Khally on the title conferred by the final order of the Special Commissioner in the resumption proceedings of 1837. The Appellate Court, however, took the same view of the case and dismissed the appeal, remarking that the proper remedy of the plaintiff was to have applied to the Sudder Court, as a Court of revision having legitimate jurisdiction in the matter, to amend the recorded decision of the Special Commissioner by reconciling the discrepancies as to the boundaries of Chuck Mehdeepore, described in Cases Nos. 330 and 377. The Government is therefore finally debarred from its right, under the title which was unquestionably conferred upon it by the decision of the Special

Commissioner in 1837, to assess about 3,000 beegahs of land which is now held rent-free by the defendant under no title whatever. The course remarked on by the High Court should certainly have been taken, and there is nothing in the record to show why this was not done. But I fail to see how the omission to do this has destroyed our ordinary and independent ground of action to obtain possession of a property to which we can prove our title.

82. The order of the Special Commissioner, in 1851, was based simply upon a want of jurisdiction, and not upon a denial of the fact that Chuck Mehdeepore was included in the resumption decree of 1837.

83. It cannot be said, therefore, that the subject of this suit has been already tried and disposed of by an independent tribunal, with the proceedings of which the Civil Court has no power of interference.

No. 7.

DABEE NARAIN SING, *Plaintiff*,

versus

GOVERNMENT, *Defendant*.

84. The plaintiff, in this suit, was a dismissed Ghatwal; he sued for recovery of the Ghatwally, of which, on his dismissal from office, he was dispossessed.

85. The contention on the plaintiff's part was that, under the provisions of Regulation XXIX of 1814, a Ghatwal can only be dispossessed of his tenure on default of payment of the fixed rent of the same.

86. For the defence, it was urged that the retention of his tenure by a Ghatwal is made dependent on the condition of payment of the fixed jumma assessed thereon, and also the efficient discharge of his Police service; that failing to conform to either of these conditions, the Ghatwal is liable to be ousted from the office of Ghatwal and possession of the Ghatwally tenure.

87. The Lower Court held that, under the provisions of the law cited, the tenure was held by the Ghatwal equally on condition of service as of payment of the revenue assessed thereon; that when the plaintiff ceased to discharge the duties of Ghatwal, he necessarily lost the right of retention of his tenure; and that with the order of dismissal from office, the Civil Court was not competent to interfere.

88. On appeal to the High Court, the plaintiff admitted that the Police Authorities were competent to dismiss him from office, but contended that they could not, by such dismissal, affect his right to retain possession of the Ghatwally lands. The Appellate Court, concurring in the view taken by the Lower Court, dismissed the appeal.

89. The case is of importance as showing the extent of a Ghatwal's lien upon a tenure held by him under the provisions of Regulation XXIX of 1814, and the distinct appropriation of the tenure to the performance of Police service.

No. 8.

SREENATH GHOSE, *Plaintiff*,

versus

GOVERNMENT, *Defendant*.

90. The only point calling for special notice in this suit is the question of the propriety of the application of an admitted local usage as between a zemindar and his tenant, in regard to property in trees planted by the latter, or the person through whom he derives his title on the land of the former, to the case of a person claiming to have acquired the right of property by purchase in trees standing on ground appertaining to the public road.

91. The cause of action was the cutting down, by the Magistrate, of certain trees which were standing by the side of, and held to be injurious to, the public road. The plaintiff claimed Rs. 16 as damages; the defence was that the trees stood on public ground, and were the property of Government. It was admitted that the ground on which the trees stood belonged to the public, but it was urged that, as by a well established local usage, a similar state of circumstances as between the zemindar and his tenant would only give the former a share in the value of the trees, so the Government in this case was, at the utmost, only entitled to a share of the value of these trees. Both the Court of first instance and the Lower Appellate Court awarded a decree on the basis of this local usage.

92. As it appeared that the case, although of trivial amount, involved an important principle, a special appeal was preferred to the High Court. On the ground that suits for damages below the amount of Rs. 500 were not, under Section 27, Act XXIII of 1861, open to special appeal, the High Court declined interference.

93. The correctness of this order seems to be questionable. Ordinarily, a special appeal would be barred in such cases under the law quoted; but as this case involved a question of law, or the correct application of a usage having the force of law, had it been tried under the provisions of Act XLII of 1860, to which Section 27, Act XXIII of 1861, applies, there would have been a reference to the High Court on the application of either party to the suit under Section 13, and it may, I think, therefore, be fairly held that in a case in which such a point arises, and in which, by reason of it not having been tried under Act LXII of 1860, the opportunity for reference to the High Court on the point of law has not been afforded, the right of special appeal is not barred by Section 27, Act XXIII of 1861.

No. 9.

THE GOVERNMENT, *Plaintiff*,

versus

RAM NIDEE KABERAJ, *Defendant*.

94. This suit arose out of an action by the defendant against one Bhyrob Ghatwal, for damages in respect of crops alleged to have been forcibly taken from rent-free land belonging to the defendant. The Ghatwal's case was that the land on which the crop was grown, and which measured about 1 bg. 7 ct. 3 cht., formed part of his Chakeran tenure. A decree was given against him; and as the effect of this decree was to uphold the defendant's allegation of ownership, the Government brought a separate suit to obtain a declaration of its title to possession of this land as Chakeran through its tenant, the Ghatwal. The Court of first instance decreed the claim of Government, but, on appeal, the Principal Sudder Ameen held that the land in dispute was not Ghatwally, but Lakheraj, and the property of the defendant; that if it had been Ghatwally, the Government would have had no ground of action; and that the register of 1856, upon which the Government relied in proof of the disputed land, being part of the Ghatwal's tenure, was of no value as evidence on this point, inasmuch as it had been prepared solely by, and in the presence of, Government servants, and could not therefore affect the rights of others.

95. Against this decision the Government specially appealed to the High Court, urging that the register of Chakeran lands was good and sufficient evidence of title, and was always received as such by the Civil Courts, and that the Principal Sudder Ameen was clearly wrong in holding that the Government had no interest in Ghatwally lands.

96. The High Court, on the consideration that as the plaintiff sought a declaration of title on the sole documentary evidence of the comparatively recent Chakeran register of

1836, he should have been prepared to show how it was that the disputed land was omitted in the earlier registers of 1810 and 1813, upheld the decision of the Lower Appellate Court, pointing out that where, in a suit to obtain declaration of title, the plaintiff's possession is denied by the defendant, the former can be entitled to no declaration of title until his possession is proved.

97. I think that, under the circumstances of this case, the claim of Government should have been for recovery of possession and not for declaration of title, as the result of the defendant's action against the Ghatwal was altogether against the latter's allegation of actual possession of the land in dispute.

No. 10.

GOVERNMENT, *Plaintiff*,

versus

ROY MOHUN HAZRA, *Defendant*.

98. The collection of navigation tolls leviable on the Buxee and Gyghattee Canals was farmed to the defendant, the lease being for a period of 15 months. The main conditions of the lease were that the fixed amount which the defendant contracted to pay for the right of levying tolls during this period, was to be paid in five instalments at intervals of three months, and that, on default of payment of any instalment within the stipulated period, the lease was to be cancelled, and the plaintiff entitled to exercise the right of collection.

99. After payment of four instalments, the defendant altogether defaulted, and the Executive Officer of the Department of Public Works, on behalf of Government, appointed his chuprassies to collect the tolls in supercession of the farmer, in accordance with the conditions of the lease.

100. The suit was brought under Act X of 1859 in the Collector's Court; dismissed, and subsequently carried in appeal and special appeal before the Judge and the High Court. The contention throughout was as to the right of plaintiff to exact payment of the amount which the defendant had contracted to pay for the right of levying tolls during 15 months, when his lease, and consequent power of making collections, had been practically set aside by the plaintiff's action in making collections through his own officers on the defendant's default, and when there remained an unexpired portion of upwards of two months of the full period of the lease.

101. The High Court declared the entire proceedings to be null and void, by reason of the suit having been improperly brought under Act X of 1859.

102. Tolls leviable on the traffic of highways and waterways do not certainly come within the definition of rent, and it must be admitted that the suit has been properly declared cognizable only by the Civil Court.

No. 11.

NOBIN CHUNDER GHOSE AND OTHERS, *Plaintiffs*,

versus

THE SOUTH-EASTERN RAILWAY COMPANY AND GOVERNMENT, *Defendants*.

103. This case calls for special notice as involving a somewhat novel claim, and one which, if successfully prosecuted, would have formed a precedent, and probable incentive, for the prosecution by others of similar claims, and thereby entailed a serious loss upon the Railway Company and the Government.

104. Certain land, belonging to the plaintiffs, was taken for the Railway under the provisions of the Act, and full compensation was awarded. With the loss of their land the plaintiffs

lost the direct means of access to about 1,200 beegahs, which the line of Railway severed from the other portion of their Mouzah.

105. On the ground of their title to a right of way across the Railway which occupied the site of the land, by which they had formerly a means of access to the now separated portion of their Mouzah, the plaintiffs brought this action; the Court of first instance absolutely, and the Lower Appellate Court in a modified degree, decreed their claim, and awarded a certain amount of damages, contingent on the Railway failing to provide a crossing by which the plaintiffs would obtain a direct means of communication with the severed lands; the Lower Appellate Court considering that the purchase of the land did not annul the right of way, and that, moreover, there was evidence of a claim to right of way having been put forward at the time of purchase, and the promise of providing a road across the Railway given.

106. On special appeal, it was urged that the plaintiffs' former right of way over their land, now occupied by the Railway, was simply a part of their property in the land purchased by the Railway Company, and that the former was necessarily merged in the surrender of the latter. The High Court held that as by Section 8, Act VI of 1857, under the provisions of which law the land in question was taken up, the land purchased became vested in the Government, and afterwards in the Railway Company, absolutely and free from every right or interest therein of whatever description possessed by the former proprietors. All rights of passage ceased upon the acquisition of the lands for the Railway, and no right of way afterwards arose or was continued, merely because there remained no mode of access to the lands on the North side, otherwise than by crossing the line of Railway, and that the express provisions of the law are not consistent with such a right.

107. On the first grounds of claim, therefore, the plaintiffs could not obtain a decree, and the order of the Lower Court was so far set aside; but if, as was stated in the judgment of the Lower Court, there was a promise of providing a crossing given at the time of settling with the the plaintiffs the terms of the purchase of their lands, the Railway Company would, by such promise, be under a legal obligation to provide a road or crossing, and the plaintiff would be entitled to enforce such obligation. The case was, on this consideration, remanded by the Court for further enquiry as to the fact of this alleged obligation having been incurred by the defendant.

108. The course adopted by the Court in remanding a case for trial on a totally distinct cause of action from that on which the plaintiffs based their suit, is unusual; the result, however, of the suit on such grounds is comparatively unimportant; the dangerous principle asserted in the decisions of the Lower Courts as regards the responsibility of Government in taking up land for public purposes, under circumstances similar to those which gave rise to this suit, having been overruled.

No. 12.

KHAJA ABDOOL GUNNY, *Plaintiff*,

versus

GOVERNMENT, *Defendant*.

109. This was a suit to obtain the reversal of the Commissioner's order, by which about 80,000 beegahs of land, of which the plaintiff had assumed possession, under cover of a certain grant made by Government in 1805, as the representative of the original grantee, were declared liable to resumption as not included within the boundaries specified in the grant.

110. By this grant two Chucks, named Phooljuree and Oilah Teorkhally, were leased in perpetuity to the person whose interests are now represented by the plaintiff at an annual

jumma of Rs. 349. The lease contains no specification of the quantity of land comprised in these Chucks, and their extent is left to be determined by the position of the boundaries which are particularly described in it thus:—

Chuck Phooljurree is bounded on the North side by Phooljurree Dhoon, on the East by Khag Dhoon, on the South by ditto, on the West by Beeskhally River.

Chuck Oilah Teorkhally is bounded on the North by the Oilah Dhoon, on the East by ditto, on the South by Parwa River, on the West by Baeng River, flowing ebbwise as far as the Khag Dhoon.

111. Regarding the first of these Chucks, Phooljuree, there is no contention; the boundaries are large, well-defined channels, the position of which is as easily traceable now as in the year of the grant, 1805; but under the assumption that it was included in Chuck Teorkhally, the plaintiff was found to be in possession of an area of about 110,000 beegahs within the following boundaries:—

North, Oilah Dhoon; East, partly Oilah Dhoon and partly Boorissur, or Parwa River; South, South-East, Boorissur or Parwa; West, partly by the Khag Dhoon and partly by the Boorissur Khall or Creek, which, running in a South-Easterly direction, connects the Khag Dhoon with the Boorissur or Parwa River.

112. In the resumption proceedings it was held that, out of the computed area in the plaintiff's possession, about 30,000 beegahs only was covered by the pottah as comprised in Chuck Oilah Teorkhally, and that the remainder was held without title and was liable to resumption.

113. The Lower Court considered that it was possible to assume the identity of the boundaries of the pottah and those of the land in plaintiff's possession, as regards the North, East, and South boundaries, but that on the West side the boundaries were wholly irreconcilable, and that as the most reasonable interpretation of the purport of the grant justified the resumption of the 80,000 beegahs as not covered by the pottah, the plaintiff's suit for recovery of possession could not be maintained.

114. Against this decision the plaintiff appealed to the High Court; the question at issue was purely one of fact—Was the entire land, of which plaintiff assumed possession, covered by the pottah of 1805? The High Court held that it was so.

115. Admitting that there was no documentary evidence whatever to show the direction of the Bhyeng River, which forms the Western boundary recorded in the pottah upon which the defendants rely as establishing their right to the land of which he has possessed himself, the High Court nevertheless, proceeding on the conjecture that the description of the Western boundary of the land comprised in the pottah may have been another way of describing the Khag Dhoon, although such a supposition is wholly irreconcilable with the reasonable consideration that if the two Chucks were only separated from each other by one common boundary, a description of separate boundaries in the pottah would have been altogether unnecessary, has remarked "that whatever difficulty or inconsistency there may be in assenting to the plaintiff's view of the matter, such difficulty or inconsistency should be increased by adopting the views of Government." Against a decision, based on such confessedly weak and unsatisfactory reasoning, in a suit of this importance, we have appealed to Her Majesty's Privy Council.

116. The entire land of the Soonderbuns being excluded from the permanent settlement, the Government has a complete proprietary title thereto, with the exception of such portions as have been ceded by special engagements; the burden of proof that the portion to which he

lays claim was so ceded to his vendors, lies clearly upon the plaintiff; and the decision of the Appellate Court, which has practically cast upon the defendant the burden of proving that the land which plaintiff claims was not included in the grant made in 1805 in favor of his vendors, is opposed to law and equity, and is not likely to stand in the appeal now pending before the Privy Council.

117. The annexed Statement I shows the result of suits carried on by the Court of Wards during the year under review.

GOVERNMENT PLEADERS.

118. Baboo Kishen Kishore Ghose, the Senior Government Pleader, and Babos Juggodanund Mookerjee, the Junior Government Pleader, attached to the High Court, have conducted their duties to my entire satisfaction.

119. The Government Pleaders attached to the several District Courts have discharged their duties satisfactorily, with the three exceptions noted below. The following Pleaders have shewn more or less marked ability in the conduct of suits :—

Baboo Hurechur Mookerjee,	Government Pleader	of Bancoorah.
„ Doorga Mohun Doss,	„	of Backergunj.
„ Bhairub Chunder Bannerjee,	„	of Rajshahye.
Mr. C. DeVerinne,	„	of Purneah.
Baboo Hungsheshur Mookerjee	„	of Maunbhoom.

120. Under the orders of Government, dated 17th January last, the Government Pleader of Maldah, Anund Mohun Mozoomdar, was dismissed; and the Government Pleader of Sylhet Sheopershad Doss, was suspended.

121. The Government Pleader of Patna, Baboo Thacoorpershad Roy's inefficient mode of conducting his duties has come under notice, and the Collector has been asked to consider and report, in communication with the Commissioner, whether it is advisable to retain his services in behalf of Government on an important District like Patna.

122. It remains only to speak of the part taken by the several Collectors in the conduct of Government suits. By Rule 75 of the Civil Suit Series, the Legal Remembrancer is required to make special mention in the Annual Report of the manner in which this duty has been conducted. It would appear, however, that in the Reports of later years at least, this subject has entirely escaped notice, and to this fact may perhaps be attributed the perfunctory mode in which their share in the preparation and management of Government suits is performed by a considerable majority of these Officers. Looking at it simply from a financial point, and to its effect upon the public revenue, the duty of giving a careful and active personal attention to the correct collation and arrangement of facts connected with suits, either instituted by other parties against Government, or which it is proposed to institute on behalf of Government, should be considered second in importance to none of the duties of a Revenue Officer. Yet, if I may judge from the papers which are sent up to me in most cases, rarely does the Collector take a sufficient personal interest and sense of his own responsibility in the matter as to give his own report of the facts of the case, and a maturely considered view of the strength and trustworthiness of the evidence which is forthcoming to establish them.

123. In the great proportion of cases in which the Government was finally unsuccessful during the period under review, we failed through insufficient evidence and the imperfect and frequently incorrect information supplied by the local Officers on matters of fact.

124. The rules of the Department make these Officers responsible for a sufficiently detailed and correct report of the facts of every case, and, as a rule, reports with a generally more or less detailed statement of the circumstances of the case are submitted in the prescribed form; but in too many cases they bear strong internal evidence of the absorbing share in their composition that is due to the office clerks, aided by the technical skill in their arrangement supplied by the Government Pleader, and the absence of any personal direction or supervision bestowed on their preparation by the Collector.

125. I think that Collectors should be instructed to consider the preparation of reports of facts connected with Government suits as one of the most important duties of their office, and one which should not be left entirely to subordinates, but should be held to demand their best personal care and attention.

126. I know that the Commissioner of Nuddea has taken this view, and has strongly impressed it on the Collectors of the Districts in his Division; and if the Board concur as to the importance of the subject, I trust they may see fit to issue such a general order as will insure more direct personal attention being given to this subject generally.

127. The Collector of Mymensingh, who has charge of a District in which suits affecting theinterests of Government or the Court of Wards have lately been more numerous than in any other District, affords a striking example of apparently habitual want of personal attention to this branch of his duties.

128. In all the reports of cases sent up by him to this Office, in not one have I received the expression of his personal opinion on the facts of the case, or seen the slightest sign of his having given any personal consideration or attention to the subject of the suit on which he was reporting.

129. Where the Collector considers his duty to be confined to indiscriminately transmitting, with his signature, the statement of the case drawn up by his subordinates, there must always be a risk, and a very great risk, of the Government going into Court without sufficient grounds, or failing even on a good ground of action, through insufficient or otherwise defective information as to the facts upon which the suit or the defence of it is founded.

I have the honor to be,

SIR,

Your most obedient Servant,

F. R. COCKERELL,

Supdt. & Rem. of Legal Affairs.

A.

STATEMENT FOR THE YEAR 1864-65.

CASES instituted to establish some substantial right.

1	2									3										4									
	Suits to establish a title to hold land Rent-free or at a fixed assessment.									Suits for land, or for the Rent of land arising out of Settlement Proceedings.										Suits to establish a title to engage for lands under Settlement.									
	Total.	Decisions.						Pending.		Total.	Decisions.						Pending.			Total.	Decisions.						Pending.		
		Favorable.			Unfavorable.						Favorable.			Unfavorable.							Favorable.			Unfavorable.					
	No.	No	Rs. As. P.		No.	Rs. As. P.		No.	Rs. As. P.	No.	No.	Rs. As. P.		No.	Rs. As. P.		No.	Rs. As. P.		No.	No.	Rs. As. P.		No.	Rs. As. P.		No.	Rs. As. P.	
High Court Appeals	6	4	1,247	0 0	2	1,100	0 0	..	.....	2	1	489	0 0	...	.....		1	661	0 0	...	..	.....		..	.....		...	.....	
Zillah Appeals ...	3	1	1,527	12 0	1	300	0 0	1	177	9 0	12	9	3,530	0 0	..	.....		3	1,708	0 0	4	2	3,714	14 0	2	400	0 0	...	.....
Original Suits ...	6	2	3,800	0 0	1	177	9 0	3	11,658	0 0	18	9	2,384	0 0	5	17,053	0 0	4	2,740	0 0	18	10	17,419	0 0	2	400	0 0	6	3,375	0 0
Total ...	15	7	6,574	12 0	4	1,577	9 0	4	11,835	9 0	32	19	6,903	0 0	5	17,053	0 0	8	5,109	0 0	22	12	21,133	14 0	4	800	0 0	6	3,375	0 0

	5									6										7									
	Suits to establish a title to vacant possession and properties claimed by, or escheated to, Government.									Suits for reinstatement of office from which claimants have been dismissed by local Agents or other Authorities.										Suits for the recovery of Salaries, Mahkana, Pensions, Fees, &c.									
	Total.	Decisions.						Pending.		Total.	Decisions.						Pending.			Total.	Decisions.						Pending.		
		Favorable.			Unfavorable.						Favorable.			Unfavorable							Favorable.			Unfavorable.					
	No.	No.	Rs. As. P.		No.	Rs. As. P		No.	Rs. As. P	No	No.	Rs. A. P.		No.	Rs. A. P.		No.	Rs. A. P		No.	No.	Rs. A. P.		No.	Rs. A. P		No.	Rs. A. P.	
High Court Appeals	2	1	43	5 0	...	....		1	252	0 0	...	...	.....	...	..	.. ..		...	.. ..	1	1	1,990	0 0	..	.. ..		..	...	
Zillah Appeals ...	6	5	391	10 0	...	....		1	657	1 0	..	...	.....	...	.....		...	.. ..	....	4	3	425	10 0	1	946	4 0	.	...	
Original Suits ...	5	2	6,144	0 0	1	5,092	5 0	2	299	0 0	...	...	.....	..	.. ..		...	.. 9..		10	2	268	0 0	5	440	4 0	3	357	0 0
Total ...	13	8	6,568	15 0	1	5,092	5 0	4	1,208	1 0	...	...	.....		.....		...	....		15	6	2,683	10 0	6	1,386	8 0	3	357	0 0

	8									9										10									
	Suits for the recovery of sums unjustly realized, for the Recovery of Rents unduly levied, or for the Recovery of Receipts for Rents, or for exoneration from unjust demand.									Suits for Wasilat, or for the recovery of costs, or surplus Collections after an adjustment of accounts, or value of property or purchase money.										Suits to obtain possession of land, estates, or other property, or for the recovery of Rents, or common or Bond debts.									
	Total	Decisions.						Pending.		Total.	Decisions.						Pending.			Total.	Decisions						Pending.		
		Favorable.			Unfavorable.						Favorable.			Unfavorable							Favorable.			Unfavorable.					
	No.	No.	Rs. A. P.		No.	Rs. A. P.		No.	Rs. A. P.	No.	No.	Rs. A. P.		No.	Rs. A. P		No.	Rs. A. P.		No.	No.	Rs. As. P.		No.	Rs. As. P.		No.	Rs. As. P.	
High Court Appeals	3	..	.....		...	.....		...	.....	11	7	25,067	0 0	3	....		1	1,961	0 0	122	46	2,89,250	8 0	16	63,989	8 0	80	1,64,127	0 0
Zillah Appeals	1	1	62	0 0	...	.....		...	.....	10	7	8,956	5 0	2	2,121	6 0	1	120	0 0	254	95	63,053	0 0	36	25,983	0 0	133	75,486	0 0
Original Suits ...	6	3	419	2 0	..	.....		3	8,625	3 0	20	8	11,763	0 0	6	18,677	0 0	6	1,00,336	0 0	353	257	2,98,010	0 0	73	48,525	0 0	223	3,34,000	0 0
Total ...	9	5	2,031	2 0	.	.....		4	10,376	3 0	41	22	45,805	5 0	11	20,798	6 0	8	1,02,407	0 0	939	398	6,50,313	8 0	125	1,38,497	8 0	416	5,74,013	0 0

	11								
	Suits in which Government has been made a Defendant *pro formâ*.								
	Total.	Decisions.						Pending.	
		Favorable.			Unfavorable.				
	No.	No.	Rs. A. P.		No.	Rs. As. P.		No.	Rs. A. P.
High Court Appeals	2	1	1,550	0 0	...	.....		1	1,551	0 0
Zillah Appeals	1	1	62	0 0	...	.....		...	.. ..
Original Suits ...	6	3	419	2 0	..	.....		3	8,625	3 0
Total ...	9	5	2,031	2 0	.	.....		4	10,176	3 0

FORT WILLIAM,
The 12th August, 1865.

F. R. COCKERELL,
Superintendent and Remembrancer of Legal Affairs.

B.

CASES instituted to obtain redress for Official acts.

1	2									3										4										5								
	Suits for the reversal of Revenue Sales, on the pleas of informality, non-liability, &c.									Suits for reversal of Sales in execution of Decrees, on the pleas of informality, non-liability, &c.										Suits for the reversal of Sales of property pledged as Security, on the plea that the property sold was not liable, or on other pleas.										Suits to stay Revenue Sales or Sales in execution of Decrees, or sales of property pledged as Security.								
	Total.	Decisions.					Pending.			Total.	Decisions.					Pending.				Total.	Decisions.					Pending.				Total.	Decisions.					Pending.		
		Favorable.			Unfavorable.						Favorable.			Unfavorable.							Favorable.			Unfavorable.						Favorable.			Unfavorable.				
	No.	No.	Rs.	A.	P.	No.	Rs. A. P.	No.	Rs. A. P.	No.	No.	Rs. A. P.		No.	Rs. A. P.	No.	Rs. A. P.			No.	No.	Rs. A. P.		No.	Rs. A. P.	No.	Rs. A. P.		No.	No.	Rs. A. P.		No.	Rs. A. P.	No.	Rs. A. P.	
High Court Appeals	2	2	1,553	0	0	...	.....	...	.....	4	2	1,470	0	0	...	.....	2	4,292	0	0	...	...	.....		...	.....	...	.....		...	...	.....		..	.....	...	.....	
Zillah Appeals ...	6	...	.....			...	.....	6	1,699	10	0	5	4	2,622	8	0	1	66	0	0	...	.....			1	...	.....			1	21	0	0	...	.....	...	..	.....	
Original Suits ...	2	1	4,614	0	0	...	.....	1	39	0	0	8	7	989	7	0	..	.....			1	800	0	0	2	1	21	0	0	1	32	0	0	...	.....	...	..	.....	
Total ...	10	3	6,167	0	0	...	.....	7	1,738	10	0	17	13	5,481	15	0	1	66	0	0	3	5,092	0	0	3	1	21	0	0	2	43	0	0	...	.....	...	..	.....	

1	6									7										8										9								
	Suits of third parties advancing claim to land attached or sold by Government as belonging to others.									Suits improperly instituted against officers over whom, in their official capacity, the Civil Court has no jurisdiction.										Suits to contest orders reversing Sales, or regarding confirmation or quashing of Butwarrahs, or the imposition of fines.										Suits for damages on account of acts done by Revenue or other Officers.								
	Total.	Decisions.					Pending.			Total.	Decisions.					Pending.				Total.	Decisions.					Pending.				Total.	Decisions.					Pending.		
		Favorable.			Unfavorable.						Favorable.			Unfavorable							Favorable.			Unfavorable.						Favorable.			Unfavorable.				
	No.	No.	Rs.	A.	P.	No.	Rs. A. P.	No.	Rs. A. P.	No.	No.	Rs. A. P.		No.	Rs. A. P.	No.	Rs. A. P.			No.	No.	Rs. A. P.		No.	Rs. A. P.	No.	Rs. A. P.		No.	No.	Rs. A. P.		No.	Rs. A. P.	No.	Rs. A. P.	
High Court Appeals	5	2	9,479	0	0	...	.....	3	1,083	0	0	...	...	.....		...	.....	...	.....		...	...	.....		...	.....	...	.....		7	2	4,900	0	0	...	.....	5	11,505	0	0
Zillah Appeals ...	10	8	624	7	0	...	.....	2	1,618	0	0	...	...	.....		...	.....	...	.....		2	1	318	10	0	...	.....		1	48	0	0	9	4	3,875	0	0	3	2,390	7	0	2	207	7	0
Original Suits ...	31	17	4,853	0	0	7	3,123	14	0	7	3,655	4	0	4	3	347	0	0	...	.....	1	5,000	0	0	1	1	1,350	0	0	...	.....	...	0	0	0	26	9	25,22	5	0	4	8,614	0	0	13	2,485	11	0
Total ...	46	27	14,956	7	0	7	3,123	14	0	12	6,356	4	0	4	3	347	0	0	...	.....	1	5,000	0	0	3	2	1,668	10	0	...	.....	1	48	0	0	42	15	33,905	5	0	7	11,004	7	0	20	14,198	2	0

FORT WILLIAM,
The 12th August, 1865.

F. R COCKERELL,
Superintendent and Remembrancer of Legal Affairs.

C.

CASES in which Government is Plaintiff.

1	2							3							4						
	Suits to establish a title to assess or to levy an enhanced Assessment.							Suits for recovery of Sums misappropriated from Defaulters or their Sureties.							Suits for refund of money paid to parties not entitled to it.						
	Total.	Decisions.					Pending.	Total.	Decisions.					Pending.	Total.	Decisions.					Pending.
		Favorable.			Unfavorable.				Favorable.			Unfavorable.				Favorable.			Unfavorable.		
	No.	No.	Rs. As. P.		No.	Rs. As. P.	No.	Rs. As. P.	No.	No.	Rs. As. P.	No.	Rs. As. P.	No.	Rs. As. P.	No.	No.	Rs. As. P.	No.	Rs. As. P.	No.	Rs. As. P.
High Court Appeals ...	2	1	4,455	0 0	1	5,683	0 0	...	.....	...	...	.....	...	.....	...	...	.....	...	.....	...	.....
Zillah Appeals ...	...	...	.....		...	.....		...	.....	3	3	4,378	12 0	...	.....	...	...	.....	...	.....	...	.....
Original Suits ...	...	...	.....		...	.....		...	.....	...	...	.....		...	.....	...	...	.....	...	.....	...	.....
Total	2	1	4,455	0 0	1	5,683	0 0	...	.....	3	3	4,378	12 0	...	.....	...	2	2	670	3 0	...	.....	...	.....

	5							6							7						
	Suits for the recovery of Sums from parties or their Sureties for non-fulfilment of Contract.							Suits for possession of land, or the rent of land, or for the recovery of debts.							Suits to impose fines for the infraction of the Salt Laws.						
	Total.	Decisions.					Pending.	Total.	Decisions.					Pending.	Total.	Decisions.					Pending.
		Favorable.			Unfavorable.				Favorable.			Unfavorable.				Favorable.			Unfavorable.		
	No.	No.	Rs. As. P.		No.	Rs. As. P.	No.	Rs. As. P.	No.	No.	Rs. As. P.	No.	Rs. As. P.	No.	Rs. As. P.	No.	No.	Rs. As. P.	No.	Rs. As. P.	No.	Rs. As. P.
High Court Appeals ...	1	1	2,824	0 0	...	.....	...	.....	5	1	13,550	0 0	3	37,042	0 0	1	3,71,989	0 0	...	...	.....	...	.....	...	.....
Zillah Appeals ...	6	5	1,987	8 0	1	93	14 0	...	.....	25	7	2,884	10 0	16	6,110	3 0	2	725	0 0	...	...	.....	...	.....	...	.....
Original Suits ...	31	21	9,088	0 0	3	14,169	13 0	7	2,155	0 0	22	8	7,035	0 0	7	406,371	0 0	7	18,797	8 0	...	...	.....	...	.....	...	.....
Total	38	27	13,899	8 0	4	14,263	11 0	7	2,155	0 0	52	16	23,469	10 0	26	449,523	3 0	10	3,91,411	8 0	...	...	.....	...	.....	...	.....

FORT WILLIAM,
The 12th August, 1865.

F. R. COCKERELL,
Superintendent and Remembrancer of Legal Affairs.

D.

GENERAL ABSTRACT STATEMENT of Suits in the Civil Court in which Government is a party, disposed of and pending during the year 1864-65.

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17
	ORIGINAL SUITS.							APPEALS.								
COURT.	Number pending on the 30th April, 1864.	Number instituted from 1st May 1864 to 30th April 1865.	Total.	Decided within the Year: In favor of Government.	Against Government.	Total.	Pending on the 30th April, 1865.	Number pending on the 30th April 1864.	Number instituted from 1st May 1864 to 30th April 1865.	Total.	Decided within the Year: In favor of Government.	Against Government.	Total.	Pending on the 30th April, 1865.	Number of cases in which Government lost twice.	
High Court	.....	.....	...	.....	.....	.....	.....	84	89	173	72	26	98	75	4	
Patna	7	.....	7	5	.....	5	2	.....	2	2	2	.....	2	.....	.....	
Behar	1	3	4	1	1	2	2	4	1	5	1	4	5	.....	2	
Sarun	.....	2	2	.....	1	1	1	.....	1	1	.....	.....	.....	1	.....	
Shahabad	.....	5	5	4	.....	4	1	3	.....	3	3	...	3	.....	.....	
Tirhoot	3	5	8	3	3	6	2	1	2	3	1	.....	1	2	.....	
Bhangulpore	.....	2	2	2	.....	2	.....	.....	5	5	4	1	5	.....	.....	
Monghyr	.....	5	5	.....	.....	.....	5	3	.....	3	3	.....	3	.....	.....	
Purneah	7	5	12	8	2	10	2	4	5	9	6	.....	6	3	.....	
Moorshedabad	1	28	29	8	.....	8	21	.....	3	3	1	.....	1	2	.....	
Rajshahye	1	4	5	5	.....	5	.....	2	.....	2	2	.....	2	.....	.....	
Pubna	6	22	28	1	15	16	12	1	2	3	1	1	2	1	.....	
Rungpore	5	2	7	3	2	5	2	3	7	10	7	2	9	1	1	
Bograh	1	4	5	2	3	5	.....	.....	1	1	1	.....	1	.....	.....	
Dinagepore	.....	5	5	3	2	5	.....	1	5	6	3	2	5	1	2	
Maldah	1	.....	1	1	.....	1	.....	.....	.....	...	.....	.....	.....	.....	.....	
Burdwan	5	31	36	12	5	17	19	4	6	10	7	2	9	1	.....	
Hooghly	28	18	46	28	8	36	10	2	21	23	10	7	17	6	1	
Bancoorah	11	210	221	87	5	92	159	12	75	87	11	5	16	71	.....	
Beerbhoom	8	12	20	13	3	16	4	2	6	8	5	1	6	2	1	
Midnapore	5	22	27	15	5	20	7	6	3	9	8	1	9	.....	.....	

Nuddea	3	2	5	3	1	4	1	1	3	4	4	.....	4	.....	.....	
24-Pergunnahs	13	6	19	9	5	14	5	4	5	9	5	.....	5	4	.....	
Jessore	5	1	4	3	1	4	.....	5	3	8	3	.....	3	5	.....	
Soonderbuns	5	1	6	1	4	5	1	1	.....	1	.....	1	1	.....	.....	
Dacca	19	31	50	19	17	36	14	47	39	86	26	33	59	27	28	
Furreedpore	8	2	10	5	1	6	4	1	1	2	1	.....	1	1	.....	
Sylhet	10	24	34	17	10	27	7	6	11	17	14	1	15	2	.....	
Mymensing	12	29	41	25	3	28	13	3	10	13	8	2	10	3	2	
Backergunge	4	4	8	5	1	6	2	4	4	8	5	.....	5	3	.....	
Cuttack	.....	.....	...	.....	.....	.....	.....	.....	.....	...	.....	.....	.....	.....	.....	
Balasore	1	1	2	2	.....	2	.....	.....	.....	...	.....	.....	.....	.....	.....	
Peoree	.....	2	2	.....	.....	.....	2	.....	.....	...	.....	.....	.....	.....	.....	
Chittagong	1	21	22	8	6	14	8	3	7	10	6	1	7	3	.....	
Tipperah	3	6	9	5	1	6	3	7	1	8	3	.....	3	5	.....	
Bullooah	3	5	8	4	1	5	3	1	1	2	1	.....	1	1	.....	
Hazareebaugh	.....	5	5	5	.....	5	.....	.....	.....	...	.....	.....	.....	.....	.....	
Lohardugga	2	.....	2	.....	.....	.....	2	1	.....	1	.....	.....	.....	1	.....	
Maunbhoom	49	24	78	55	10	65	8	7	6	13	6	.....	6	7	.....	
Kamroop	.....	1	1	1	.....	1	.....	.....	.....	...	.....	.....	.....	.....	.....	
Gowalparah	.....	1	1	1	.....	1	.....	.....	.....	...	.....	.....	.....	.....	.....	
Durrung	.....	.....	...	.....	.....	.....	.....	.....	.....	...	.....	.....	.....	.....	.....	
Total ...	226	551	777	369	116	485	292	223	325	548	230	90	320	228	41	

FORT WILLIAM,
The 12th August, 1865.

F. R. COCKERELL,
Superintendent and Remembrancer of Legal Affairs.

E.

STATEMENT showing the Amount expended in Litigation, as contrasted with the Sums actually realized by Government under Decrees of Court in the Revenue Department, from 1st May 1864 to 30th April 1865.

Division.	Zillah.	Nature of Receipts. Sums awarded in favor of Government in Regular Suits.	Costs awarded in favor of Government, whether in actions for or against Government.	Costs in Privy Council Appeals realized.	Costs in Pauper Suits realized, exclusive of Stamp fees.	Costs in all other cases realized.	All sums otherwise realized in Judicial Proceedings.	Total.	Nature of Disbursements. Amount, including costs, awarded against Government in Regular Suits.	Amount expended in prosecution of Suits in Court.	Amount expended in defence of Suits in Court.	Amount advanced in Privy Council Appeals.	Amount advanced in Pauper Suits, exclusive of stamp fees.	Miscellaneous Disbursements on account of Judicial Proceedings other than those above adverted to.	Total.	Remarks.
		Rs. As. P.	Rs. As. P.	Rs. As. P.	Rs. As. P.	Rs. As. P.	Rs. As. P.	Rs. As. P.	Rs. As. P.	Rs. As. P.	Rs. As. P.	Rs. As. P.	Rs. As. P.	Rs. As. P.	Rs. As. P.	
Patna.	Patna	.....	100 8 4	.....	116 3 9	.....	.....	216 12 1	43 6 0	.....	844 0 0	.....	0 11 0	12 5 6	900 6 6	
	Behar	.....	6 12 0	.....	.....	.....	.....	6 12 0	.....	652 13 0	233 6 5	.....	1 11 0	2 8 3	890 6 8	
	Sarun	.....	205 0 1	.....	.....	.....	.....	205 0 1	.....	260 13 0	44 1 0	.....	.....	24 8 0	329 6 0	
	Shahabad	3,417 1 11	192 5 7	.....	571 15 0	66 2 9	109 9 9	4,417 3 0	685 4 10	127 0 9	2,669 2 3	.....	.....	.....	3,481 7 10	
	Tirhoot	.....	854 8 9	.....	.....	.....	.....	854 8 9	9,874 12 4	26 9 0	645 15 3	.....	0 14 0	.....	10,548 2 7	
Bhaugulpore.	Bhaugulpore	.....	.....	.....	.....	.....	.....	.....	.....	48 0 0	0 8 0	.....	.....	59 4 10	107 12 10	
	Monghyr	.....	691 4 4	.....	.....	.....	.....	691 4 4	.....	.....	.....	.....	.....	.....	.....	
	Purneah	.....	266 4 6	.....	.....	.....	142 0 0	408 4 6	.....	.....	1,627 9 7	.....	.....	.....	3,637 9 7	
Rajshahye.	Moorshedabad ...	.....	674 5 4	.....	1 12 0	.....	.....	676 1 4	.....	13 12 0	653 9 5	.....	7 7 0	.....	674 12 5	
	Rajshahye	.....	301 10 3	.....	.....	.....	.....	301 10 3	359 11 4	.....	7 4 0	.....	2 10 0	1,000 8 0	1,370 1 4	
	Pubna	.....	985 13 7	.....	.....	.....	.....	985 13 7	.....	.....	5 7 0	.....	.....	425 9 2	431 0 2	
	Rungpore	.....	830 1 0	.....	.....	.....	.....	830 1 0	.....	4,593 9 6	0 8 0	.....	.....	.....	4,591 1 6	
	Bograh	.....	65 11 2	.....	.....	.....	.....	65 11 2	.....	96 6 7	195 11 11	.....	.....	0 4 0	292 6 6	
	Dinagypore	93 9 0	.....	.....	5 9 0	.....	.....	99 2 0	2,373 7 0	.....	.....	.....	.....	.....	2,373 7 0	
	Maldah	.....	144 8 4	.....	.....	.....	.....	144 8 4	.....	152 0 0	873 13 0	.....	.....	101 1 0	1,126 14 0	
Burdwan.	Burdwan	443 7 11	38 15 5	.....	.....	.....	157 0 0	639 7 4	3,358 5 6	242 3 6	5 8 0	.....	.....	.....	4,106 0 0	
	Hooghly	.....	389 14 8	.....	67 7 0	.....	.....	456 5 8	.....	.....	3,148 8 4	.....	.....	.....	3,148 8 4	
	Bancoorah	.....	422 11 2	.....	.....	.....	.....	422 11 2	2,136 11 1	105 0 0	957 13 0	.....	.....	47 8 0	3,247 0 1	
	Beerbhoom	.....	22 15 6	.....	81 4 4	.....	.....	104 3 10	.....	41 4 0	2 8 0	.....	367 12 0	27 8 0	439 0 0	
	Midnapore	507 15 10	837 11 3	.....	.....	.....	.....	1,345 11 1	314 14 9	.....	1,238 0 0	.....	.....	23 15 0	1,576 13 9	

NUDDEA.	Nuddea...	.....	.....	.....	.....	.....	.....	.....	905 9 0	717 4 8	1,000 13 3	.....	46 10 6	.....	2,670 5 5
	24-Pergunnahs	.....	2,876 7 7½	.....	17 5 0	.....	.....	2,893 12 7½	272 3 0	398 15 0	3 8 0	.....	149 5 0	2,906 10 3½	3,729 9 3½
	Jessore	.....	569 7 11	.....	.....	.....	.....	569 7 11	660 3 0	3 4 0	731 12 2	.....	.....	240 0 0	1,635 3 2
	Soonderbuns	.....	4,026 9 6	.....	.....	.....	.....	4,026 9 6	3,709 1 6	287 3 0	4,337 15 3	.....	.....	35 0 0	8,369 3 9
DACCA.	Dacca	127 0 5	57 9 0	.....	.....	.....	.....	184 9 5	.....	1,071 12 1	2,368 15 6	.....	.....	.....	3,440 11 7
	Furreedpore	.....	120 0 1	.....	.....	.....	48 0 9	168 0 10	.....	383 3 1	178 1 10	.....	.....	39 2 0	600 6 11
	Sylhet	.....	322 13 2	.....	1 8 0	16 2 6	.....	340 7 8	195 6 4	103 9 9	93 10 6	.....	.....	134 3 2	526 13 9
	Mymensing	.....	2,533 11 1	.....	.....	.....	.....	2,533 11 1	592 0 3	149 2 8	631 1 9	.....	.....	.....	1,372 4 8
	Backergunge	774 12 8	.....	.....	.....	.....	.....	774 12 8	147 15 0	48 6 0	937 0 0	.....	.....	.....	1,133 5 0
CUTTACK.	Cuttack	186 14 6	.....	.....	13 10 0	.....	.....	13 10 0	.....	350 0 0	21 6 0	.....	.....	.....	371 6 0
	Balasore	.....	7 8 4	.....	.....	.....	.....	194 6 10	5 15 0	.....	.....	.....	6 4 0	.....	6 3 0
	Pooree	.....	31 11 11	.....	72 0 0	.....	7 4 0	110 15 11	.....	.....	.....	.....	9 11 0	.....	9 11 0
CHITTAGONG.	Chittagong	.....	296 0 11	.....	.....	.....	.....	296 0 11	133 9 8	69 3 0	8 0 0	.....	.....	118 12 9	329 9 5
	Tipperah	.....	310 6 8	.....	.....	.....	.....	310 6 8	.....	803 8 6	24 9 6	.....	3 0 0	5 5 3	836 7 3
	Bullooah	543 4 3	60 8 0	.....	5 10 0	166 6 3	.....	775 12 6	.....	94 0 10	0 8 0	.....	0 4 0	101 8 6	196 5 4
HAZAREEBAGH.	Hazareebaugh	.....	13 15 9	.....	.....	.....	3 8 9	17 8 6	.....	.....	100 6 0	.....	.....	.....	534 8 0
	Bohardurgah	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
	Maunbhoom	.....	79 6 0	.....	.....	.....	.....	79 6 0	.....	66 7 0	468 1 0	.....	.....	.....	.....
DURBUNGA.	Durrung	10 1 3	.....	.....	.....	.....	.....	10 1 3	.....	.....	.....	.....	.....	.....	.....
	Gowalparah	.....	.....	.....	71 1 3	.....	.....	71 1 3	.....	.....	4 8 0	.....	.....	.....	4 8 0
	Nowgong	.....	6 14 5	.....	.....	.....	.....	6 14 5	.....	.....	.....	.....	.....	.....	.....
	Total	6,164 3 9	18,343 3 7½	.....	1,025 5 4	248 11 6	467 7 3	26,248 15 5½	26,268 7 7	10,892 5 11	26,033 9 11	.....	590 3 6	5,307 1 8½	69,091 12 7½

FORT WILLIAM,
The 12th August, 1865.

F. R. COCKERELL,
Superintendent and Remembrancer of Legal Affairs.

F.

STATEMENT showing the Amount expended in Litigation as contrasted with the Sums actually realized by Government under Decrees of Court in the Salt and Opium Departments, from 1st May 1864 to 30th April 1865.

	Nature of Receipts.						Nature of Disbursements.					Remarks.
	Sums awarded in favor of Government in Regular Suits.	Costs awarded in favor of Government, whether in actions for, or against, Government.	Fines and Penalties realized through the intervention of the Courts of Justice.	Costs in all other cases realized.	All sums otherwise realized in Judicial Proceedings.	Total.	Amount, including Costs, awarded against Government in Regular Suits.	Amount expended in prosecution of Suits in Court.	Amount expended in defence of Suits in Court.	Miscellaneous Disbursements on account of Judicial Proceedings other than those adverted to.	Total.	
Salt Department.	Rs. As. P.	Rs. As. P.	Rs. As. P.	Rs. As. P.	Rs. As. P.	Rs. As. P.	Rs. As. P.	Rs. As. P.	Rs. As. P.	Rs. As. P.	Rs. As. P.	
Cuttack Agency ...	.....	.....	.....	.....	.....	.....	.....	2 12 0	.....	.....	2 12 0	
Balasore ditto ..	186 14 6	7 8 4	.....	.....	.....	194 6 10	5 15 0	.....	.....	0 4 0	6 3 0	
Pooree ditto ...	.....	9 13 10	.....	.....	.....	9 13 10	.....	.....	.....	.....	.....	
Hidgellee ditto ...	78 12 0	.....	.....	.....	.....	78 12 0	27 4 0	.....	4 12 0	.....	32 0 0	
24-Pergunnahs ditto ...	2,459 13 0	.....	.....	.....	.....	2,459 13 0	1,366 13 5	1,438 14 0	1 0 0	.....	2,806 11 5	
Chittagong ditto ...	.....	38 0 0	.....	.....	.....	38 0 0	1,666 10 0	.....	.....	8 2 0	1,674 12 0	
Total ...	2,725 7 6	55 6 2	.....	.....	.....	2,780 13 8	3,066 10 5	1,441 10 0	5 12 0	8 6 0	4,522 6 5	
Behar Opium Agency ...	.....	.....	.....	.....	.....	.....	172 12 0	50 0 0	36 0 0	.....	258 12 0	
Grand Total ...	2,725 7 6	55 6 2	.....	.....	.....	2,780 13 8	3,239 6 5	1,491 10 0	41 12 0	8 6 0	4,781 2 5	

Fort William,
The 12th August, 1865.

F. R. COCKERELL,
Superintendent and Remembrancer of Legal Affairs.

G.

GENERAL ABSTRACT STATEMENT showing the Amounts decreed in favor of Government in the Revenue Department, realized and outstanding on the 1st May, 1865.

Division.	Zillah.	Outstanding on the 1st May, 1864. Principal.	Interest.	Costs.	Awarded in favor of Government, from 1st May 1864 to 30th April 1865. Principal	Interest.	Costs.	Total.	Realized during the year 1864-65.	Balance.	Deduct remitted by order of the Commissioner of Revenue or other Authorities.	Net Balance outstanding on the 1st May, 1865.	Remarks.
		Rs. As. P.	Rs. As. P.	Rs. As. P.	Rs. As. P.	Rs. As. P.	Rs. As. P.	Rs. As. P.	Rs. As. P.	Rs. As. P.	Rs. As. P.	Rs. As. P.	
Patna	Patna	81 3 8	... ...	... ...	2,371 9 2	194 13 7	46 0 9	2,693 11 2	100 8 4	2,593 2 10	... ...	2,593 2 10	
	Behar	672 4 3	... ...	20 0 0	591 2 6	... ...		1,283 6 9	6 12 0	1,276 10 9	... ...	1,276 10 9	
	Sarun	...	... ...	693 4 8	... ...	57 5 9	379 8 0	1130 2 5	205 0 1	925 2 4	... ...	925 2 4	
	Shahabad	10,016 4 3	... ...	443 2 4	2,052 9 7	1,469 3 6	127 0 9	14,128 4 5	3,845 4 0	10,283 0 5	575 0 0	9,708 0 5	
	Tuhoot	1,039 [illegible] 0	... ...	69 0 3	442 10 4	160 8 3	26 9 0	1,738 3 10	854 8 9	883 11 1	... ...	883 11 1	
Bhaugulpore	Bhaugulpore	1,051 9 5	... ...	59 4 0	... ...	... ...	... ...	1,110 13 5	... ...	1,110 13 5	98 5 0	1,012 8 5	
	Moonghyr	... ...	... ...	1,957 1 0	... ...	... ...	22 9 7	1,979 10 7	691 4 4	1,288 6 3	402 10 0	885 12 3	
	Purneah	... ...	... ...	1,162 13 4	... ...	... ...	3,035 1 8	4,197 15 0	266 4 6	3,931 10 6	... ...	3,931 10 6	
Rajshahye	Moorshedabad	...	80 1 2	2,905 7 10	... ...	... ...	674 5 4	3,609 14 4	370 5 5	3,239 8 11	1,611 15 1	1,627 9 10	
	Rajshahye	1,303 14 4	364 14 3	9 0 0	1,082 4 7	47 14 0	..	2,803 15 1	301 10 3	2,502 4 10	416 12 6	2,085 8 4	
	Pubna	... ...	... ...	638 5 2	... ...	280 13 2	742 10 0	1,671 12 2	985 13 7	685 14 7	...	685 14 7	
	Rungpore	... ...	... ...	539 5 2	... ...	... ...	2,064 8 3	2,603 13 5	830 1 0	1,773 12 5	... ...	1,773 12 5	
	Bograh	... ...	... ...	221 [illegible] 7	... ...	... ...	237 8 4	458 15 11	65 11 2	393 4 9	....	393 4 9	
	Dinagepore	228 1 2	86 1 10	34 8 0	... ...	... ...	... ...	348 11 0	93 9	255 2 0	... ...	255 2 0	
	Maldah	763 15 5	6 2 8	108 1 5	38 6 4	21 12 3	8 7 0	946 13 6	144 8 4	802 5 2	5 [illegible] 10	796 6 4	
Burdwan	Burdwan	1,176 5 1	... ...	12 3 0	1,194 6 0	32 7 5	18 5 0	2,433 10 6	482 7 4	1,951 2 2	166 14 9	1,784 4 5	
	Hooghly	... ...	... ...	3,175 2 10	... ...	29 7 10	2,621 3 0	5,825 13 8	388 14 8	5,436 15 0	816 9 7	4,620 5 5	
	Bancoorah	3,398 3 11	... ...	103 12 1	2,738 4 10	55 3 3	46 0 0	6,291 6 1	422 11 2	5,868 10 11	... ...	5,868 10 11	
	Beerbhoom	1,092 4 7	... ...	6 9 2	128 10 8	2 11 11	27 8 0	1,257 12 4	22 15 6	1,234 12 10	... ...	1,234 12 10	
	Midnapore	137 11 2	... ...	2,342 5 11	2,705 2 4	471 14 7	1,701 0 6	7,386 2 6	1,345 11 1	6,012 7 5	... ...	6,012 7 5	
Nuddea	Nuddea	... ...	... ...	902 6 3½	... ...	... ...	1,932 8 4	2,834 14 7½	... ...	2,834 14 7½	... ...	2,834 14 7½	
	24-Pergunnahs	12,507 12 10½	379 2 0	244 10 3½	1,021 3 9½	247 8 4	39 9 0	14,439 14 3½	2,876 7 7½	11,563 6 8	2,553 3 3	9,010 3 5	
	Jessore	942 0 6½	223 3 7½	26 7 0	263 1 9	82 4 10	1 8 0	1,578 9 9	569 7 11	1,009 1 10	...	1,009 1 10	
	Sooonderbunds	10,369 1 9	26 14 0	123 11 0	4,069 11 2	593 6 7	85 12 0	15,256 8 6	4,026 9 6	11,229 15 0	1,256 15 0	9,973 0 0	
	Carried over	44,700 3 5	1,116 7 8½	15,833 0 4	18,698 3 0½	3,777 5 8	13,807 11 4	97,972 15 3	18,896 9 6½	79,076 5 9½	7,904 4 0	71,172 1 8½	

G.—(*Continued.*)

Division.	Zillah.	Outstanding on the 1st May, 1864. Principal.	Interest.	Costs.	Awarded in favor of Government, from 1st May 1864 to 30th April 1865. Principal.	Interest.	Costs.	Total.	Realized during the year 1864-65.	Balance.	Deduct remitted by order of the Commissioner of Revenue or other Authorities.	Net Balance outstanding on the 1st May, 1865.	Remarks.
		Rs. As. P.	Rs. As. P.	Rs. As. P.	Rs. As. P.	Rs. As. P.	Rs. As. P.	Rs. As. P.	Rs. As. P.	Rs. As. P.	Rs. As. P.	Rs. As. P.	
	Brought forward ...	44,760 3 5	1,116 7 5½	15,823 0 4	18,688 3 6½	3,777 5 8	13,807 11 4	97,973 15 3	18,896 9 6½	79,076 5 8½	7,904 4 0	71,172 1 8½	
Dacca	Dacca ...	1,182 12 9¾	... ...	112 4 6	32 11 0	... ...	20 5 0	1,348 1 3¾	184 9 5	1,163 7 10¾	86 7 3	1,077 0 7½	
	Furreedpore ...	... ...	... ...	686 9 2½	... ...	... ...	278 1 7	964 2 9½	120 0 1	844 2 8½	... ...	844 2 8½	
	Sylhet ...	85 4 6	... ...	1 8 0	278 9 8	14 14 3	16 4 6	396 8 11	338 15 8	57 9 3	... ...	57 9 3	
	Mymensing ...	3,137 13 1	... ...	138 14 7	4,949 9 9	295 9 1	302 12 8	8,814 10 11	2,533 11 1	6,280 15 10	... ...	6,280 15 10	
	Backergunge ...	2,783 4 8	1,298 4 2	215 14 4	439 11 1	381 7 8	76 11 1	5,193 5 0	774 13 8	4,418 8 4	... ...	4,418 8 4	
Cuttack	Cuttack ...	305 13 0	68 8 0	1 0 0	...	36 10 0	... ...	411 15 0	... ...	411 15 0	... ...	411 15 0	
	Balasore ...	... ...	... ...	...	191 11 4	10 14 6	7 13 0	210 6 10	194 6 10	16 0 0	... ...	16 0 0	
	Pooree ...	... ...	... ...	21 6 4	... ...	... ...	10 5 7	31 11 11	31 11 11	... ...	... ...	... ...	
Chittagong	Chittagong ...	1,750 6 6	... ...	... ...	121 14 3	107 6 9	... ...	1,979 11 6	296 0 11	1,683 10 7	0 8 0	1,683 2 7	
	Tipperah ...	1,701 0 4	270 5 3	98 4 9	45 8 9	48 13 9	10 4 2	2,172 5 0	310 6 8	1,861 14 4	1,010 13 5	851 0 11	
	Bulooah ...	562 10 5	... ...	10 15 0	353 0 6	146 7 3	17 7 0	1,089 8 2	770 2 6	319 5 8	... ...	319 5 8	
Hazareebaugh	Hazareebaugh ...	... ...	... ...	... ...	... ...	0 13 9	80 1 9	80 15 6	13 15 9	66 15 9	... ...	66 15 9	
	Lohardugga ...	... ...	... ...	... ...	... ...	... ...	... ...	...	...	...	... ...	... ...	
	Manbhoom ...	... ...	... ...	547 8 6	... ...	... ...	655 5 0	1,202 13 6	79 6 0	1,123 7 6	135 6 0	988 1 6	
Assam	Durrung ...	86 4 9	... ...	... ...	119 0 0	... ...	... ...	205 4 9	10 1 3	195 3 6	... ...	195 3 6	
	Gowalparah ...	... ...	... ...	... ...	... ...	... ...	... ...	...	... ...	... ...	... ...	... ...	
	Nowgong ...	... ...	... ...	... ...	... ...	... ...	6 14 5	6 14 5	6 14 5	... ...	... ...	... ...	
	Total ...	56,345 9 5¾	2,751 8 10½	17,654 13 6½	25,218 15 4¼	4,820 6 8	15,290 0 10	1,220,081 6 9½	24,561 12 8½	97,519 10 0¾	9,137 6 8	88,382 3 4¾	

Fort William, }
The 12th August, 1865. }

F. R. COCKERELL,
Superintendent and Remembrancer of Legal Affairs.

H.

GENERAL ABSTRACT STATEMENT showing the Amounts decreed in favor of Government in the Salt and Opium Department, realized and outstanding on the 1st May, 1865.

Department.	Outstanding on the 1st May, 1864.			Awarded in favor of Government from 1st May 1864 to 30th April 1865.			Total.	Realized during the year 1864-65.	Balance.	Deduct remitted by order of the Commissioner of Revenue or other authority.	Net Balance outstanding on the 1st May, 1865.	Remarks.
	Principal.	Interest.	Costs.	Principal.	Interest.	Costs.						
Salt Department.	Rs. As. P.	Rs. As. P.	Rs. As. P.	Rs. As. P.	Rs. As. P.	Rs. As. P.	Rs. As. P.	Rs. As. P.	Rs. As. P.	Rs. As. P.	Rs. As. P	
Cuttack Agency ...	7,972 4 1	1,494 15 5	7 6 0	.....	....	2 12 0	9,477 5 6	.....	9,477 5 6	.....	9,477 5 6	
Balasore ditto ...	.....	.....	.....	191 11 4	10 14 6	7 13 0	210 6 10	194 6 10	16 0 0	.....	16 0 0	
Pooree ditto ...	.....	.....	.....	....	.....	9 13 10	9 13 10	9 13 10	.....	..	.....	
Hidgellee ditto ..	13,068 0 0¾	.....	1,387 6 0	.....	.....	27 4 0	14,482 10 0¾	78 12 0	14,403 14 0¾	.	14,403 14 0¾	
24-Pergunnahs ditto ..	1,11,429 10 9	.....	1,378 10 9	563 8 8	492 10 0	1,892 0 6	1,15,756 8 8	2,459 13 0	1,13,296 11 8	.....	1,13,296 11 8	
Chittagong ditto ...	6,881 12 8	.....	.....	4 15 2	.....	8 2 0	6,894 13 10	38 0 0	6,856 13 10	.....	6,856 13 10	
Total ...	1,39,351 11 6¾	1,494 15 5	2,773 6 9	760 3 2	503 8 6	1,947 13 4	1,46,831 10 8¾	2,780 13 8	1,44,050 13 0¾	.....	1,44,050 13 0¾	
Behar Opium Agency .	2,504 15 3	12 11 9	333 15 11	... ..	.... .	1 10 6	2,853 5 5	.....	2,853 5 5	.....	2,853 5 5	
Grand Total ...	1,41,856 10 9¾	1,507 11 2	3,107 6 8	760 3 2	503 8 6	1,949 7 10	1,49,685 0 1¾	2,780 13 8	1,46,904 2 5¾	.....	1,46,904 2 5¾	

Fort William,
The 12th August, 1865.

F. R. COCKERELL,
Superintendent and Remembrancer of Legal Affairs.

I.

STATEMENT showing the Number of Cases appertaining to the Court of Wards, decided and pending in the year 1864-65.

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	Remarks.
	Original Suits.							Appeals.							
	Number pending on 30th April, 1864.	Number instituted from 1st May 1864 to 1st May 1865.	Total.	Decided			Pending.	Number pending on 30th April, 1864.	Number instituted from 1st May 1864 to 1st May 1865.	Total.	Decided			Pending.	
				In favor of Court of Wards.	Against Court of Wards	Total decided.					In favor of Court of Wards.	Against Court of Wards.	Total decided.		
High Court	...	...	...	...	...	...	...	18	62	80	25	16	41	39	
Behar	2	2	4	3	...	3	1	...	1	1	1	...	1	...	
Patna	2	1	3	1	2	3	...	1	2	3	1	2	3	...	
Sarun	4	7	11	6	3	9	2	...	4	4	1	1	2	2	
Tirhoot	4	25	29	9	4	13	16	...	16	16	6	1	7	9	
Monghyr	...	1	1	...	...	...	1	...	...	...	...	...	...	...	
Purneah	...	...	...	...	...	...	...	...	...	...	...	...	...	...	

Midnapore	2	324	326	290	36	326	...	...	5	5	3	...	3	2	
Jessore	2	14	16	6	6	12	4	28	8	36	19	5	24	12	
Bograh	...	1	1	...	...	...	1	...	...	...	.	...	...	...	
Dinagepore	...	1	1	...	1	1	...	1	2	3	2	1	3	...	
Maldah	...	2	2	1	1	2	...	...	...	...	...	...	...	...	
Pubnah	1	...	1	1	...	1	...	...	...	...	...	...	...	...	
Rajshahye	1	5	6	5	1	6	...	...	3	3	...	3	3	...	
Rungpore	1	1	2	...	...	...	2	...	...	...	...	...	...	...	
Backergunj	...	...	...	...	...	...	...	1	...	1	...	...	...	1	
Dacca	3	...	3	...	3	3	...	...	2	2	...	...	...	2	
Mymensing	5	62	67	18	24	42	25	...	15	15	5	4	9	6	
Sylhet	...	3	3	...	3	3	...	...	1	1	1	...	1	...	
Cuttack	2	4	6	3	2	5	1	...	2	2	...	2	2	...	
Chittagong	6	5	11	5	4	9	2	1	2	3	1	...	1	2	
Tipperah	...	10	10	7	2	9	1	...	...	...	...	...	...	...	
Total ...	35	468	503	355	92	447	56	50	125	175	65	35	100	75	

FORT WILLIAM,
The 12th August, 1865.

F. R. COCKERELL,
Superintendent and Remembrancer of Legal Affairs

J.

STATEMENT showing the amount realized and disbursed on account of Law Charges appertaining to the Court of Wards, from 1st May 1864 to 30th April 1865.

	Nature of Receipts.				Nature of Disbursements.					Outstanding on account of Decrees passed in favor of Court of Wards.	Remarks.
	Sums awarded in favor of the Court of Wards in Regular Suits.	Costs awarded in favor of Court of Wards, whether in actions for or against it.	All Sums otherwise realized in Judicial Proceedings.	Total.	Amount, including costs, awarded against the Court of Wards in Regular Suits.	Amount expended in prosecution of suits in Court.	Amount expended in defence of suits in Court.	Miscellaneous Disbursements on account of Judicial Proceedings.	Total.		
	Rs. As. P.	Rs. As. P.	Rs. As. P.	Rs. As. P.	Rs. As. P.	Rs. As. P.	Rs. As. P.	Rs. As. P.	Rs. As. P.	Rs. As. P.	
Patna ...	362 6 0	67 12 8	.....	430 2 8	956 12 8	.....	14 8 0	6 9 0	977 13 8	74 11 0	
Tirhoot ...	21,484 0 10½	2,551 9 9	.....	24,035 10 7½	22,839 15 7	3,323 14 8	238 6 5	449 7 0	26,851 11 8	2,94,631 2 11	
Sarun ...	1,088 4 0	274 11 9	.....	1,362 15 9	1,247 5 6	439 11 8	195 15 6	53 11 0	1,936 11 8	6,774 2 11	
Bhaugulpore ...	.....	1,403 4 3	.....	1,403 4 3	16,345 7 10	35 14 0	.....	8 8 0	16,389 13 10	6,565 6 3	
Monghyr ...	.....	275 11 9	.....	275 11 9	.....	.....	.....	.....	.....	63 2 2	
Bograh ...	.....	.....	.....	.....	.....	18 5 0	4 0 0	.....	22 5 0	.....	
Mymensing ...	149 10 6	9 8 3	.....	159 2 9	1,336 12 9	827 10 9	575 15 3	.....	2,740 6 9	15,341 2 8	
Hazareebaugh ...	.....	.....	50 0 0	50 0 0	.....	72 6 0	108 14 9	.....	181 4 9	218 4 2	
Total ...	23,084 5 4½	4,582 10 5	50 0 0	27,716 15 9½	42,726 6 4	4,717 14 1	1,137 11 11	518 3 0	49,100 3 4	323,668 0 1	

Fort William,
The 12th August, 1865.

F. R. COCKERELL,
Superintendent and Remembrancer of Legal Affairs.

No. 6690.

FROM J. GEOGHEGAN, ESQ.,

Offg. Junior Secretary to the Government of Bengal,

TO THE SECRETARY TO THE BOARD OF REVENUE. L. P.

Fort William, the 28th November 1865.

JUDICIAL.

SIR,

I AM directed to acknowledge receipt of your letter No. 297, dated 11th September last, and of the report of the Superintendent and Remembrancer of Legal Affairs for the year 1864-65 therewith forwarded.

2. The Lieutenant-Governor agrees with the Board in considering the results of the litigation on the part of Government on the whole satisfactory. The average proportion of cases won to cases lost does not differ much from that of the preceding year. The amount realized under decrees still falls far short of the amount expended in litigation. The Lieutenant-Governor would be glad to receive some further explanation of the large balance of unrealized decrees* shewn as outstanding.

	Rs.	As.	P.
* Revenue decrees	88,382	3	4¾
Salt and Opium decrees	1,46,904	2	5¼
Total	2,35,286	5	10¼

3. The explanation of the apparently large number of cases lost both on first hearing and in appeal rebuts the accusation of a needless persistence in litigation.

4. The Lieutenant-Governor desires to know when the appeal in the case of Syed Sudurooddeen *versus* Collector of Maldah was actually preferred. Orders for the abandonment of cases of this class issued early† in the course of the official year to which the report relates. His Honor doubts whether it was expedient to institute the suit, noticed in paragraphs 20-29 of the report, for the recovery of the money due to the rebel Ummer Singh whose property had escheated to Government. There is no reason to suppose that in cases Nos. 3 and 4 although the result was ultimately unfavorable, it was injudicious to prosecute them in appeal. It is presumed in regard to case No. 3, that although the proprietary right of Government on the chur has not been established the lands are liable to assessment. The remarks of the Legal Remembrancer upon the cases (Nos. 5 and 6) Mundakinee Debya *versus* Court of Wards *in re* Ramrunjun Chuckerbutty ward of said court, and Government *versus* Meheema Chunder Roy, will be considered in the Revenue Department. It seems questionable whether the principle involved in case No. 8 (Sreenath Ghose *versus* Government) was of sufficient importance to justify the lodging of a special appeal, especially under a construction of the law so dubious as that expressed in paragraph 93 of the report. The want of jurisdiction of the revenue courts in case No. 10 seems to be obvious and should have been detected earlier. Case No. 11 was rightly prosecuted in appeal.

† July.

5. The Lieutenant-Governor quite concurs in the Board's estimate of the importance of collectors bestowing proper care upon the initiation and defence of cases on the part of Government. Personal attention to this branch of their duties should be strictly inculcated by the Board. Notice should also be taken by the Legal Remembrancer in his annual report of the mode in which the several collectors perform their duties in this branch. The Board are requested to submit Mr. Henderson's explanation of the gross and habitual neglect of duty imputed to him.

6. The Lieutenant-Governor is pleased to observe the favorable testimony borne to the services of Baboos Kishen Kishore Ghose and Juggudanund Mookerjee, Senior and Junior Government Pleaders in the High Court and of the Government Pleaders in the district courts named on the margin.

Baboo Hureshur Mookerjee, Bancoorah.
" Doorga Mohun Doss, Backergunge.
" Bhairub Chunder Banerjea, Rajshahye.
" Hungsheshur Mookerjee, Maunbhoom.
Mr. DeVerinne, Purneah.

7. In conclusion I am to request that the Board will convey to Mr. F. R. Cockerell the Lieutenant-Governor's acknowledgment of the generally able and judicious manner in which he has conducted the duties entrusted to him as Superintendent and Remembrancer of Legal Affairs.

I have the honor to be,
SIR,
Your most obedient servant,

(Sd.) J. GEOGHEGAN,

Offg. Junior Secy. to the Govt. of Bengal.

REPORT

ON

THE LEGAL AFFAIRS

ON THE

BENGAL GOVERNMENT,

FOR THE

YAER 1865-66.

Calcutta:

PRINTED AT THE BENGAL SECRETARIAT OFFICE.

1867.

No. 121*A*.

FROM T. B. LANE, ESQ.,

Secretary to the Board of Revenue, L. P.,

TO THE SECRETARY TO THE GOVERNMENT OF BENGAL.

Fort William, the 12*th January* 1867.

LAND REVENUE.
(Miscellaneous.)

SIR,

I AM directed by the Board of Revenue to forward herewith a copy of a letter from the Officiating Legal Remembrancer, dated 1st October last, together with the Statistical Statements which accompanied it, relative to the legal affairs of the Lower Provinces for 1865-66.

A. GROTE and V. H. SCHALCH, } ESQRS.

2. The Board regret that, owing to the change of incumbents in this important office, no remarks are given regarding the conduct of Government suits, or the points of interest that have been ruled by the High Court during the year. Such information not only possesses great interest in itself, but is appreciated at home, as is clear from the Secretary of State's Despatch on the past year's report.

3. Mr. Cockerell, who held office during the year of report, states that he is unable to prepare such a report while engaged on the special duty which was committed to him on his return to India and at a distance from his records.

4. The prescribed practice for District and Divisional Officers is, that the retiring Officer makes over to his successor a memorandum, by the aid of which the latter is able to utilize, in his Annual Report, the observations and experience of the actual head of the office throughout the year under report. In the present case the new incumbent must labour under disadvantage in commenting on cases with the conduct of which he had nothing to do, but Mr. Prinsep has notwithstanding been requested to extract the required information from the records of the office. His report will be submitted hereafter with such remarks as may suggest themselves to the Board. For the present they append

a memorandum of the percentage of cases decided for and against Government as compared with the preceding year:—

	1864-65.												1865-66.											
	Government—Plaintiff or Appellant.						Government—Defendant or Respondent.						Government—Plaintiff or Appellant.						Government—Defendant or Respondent.					
	Total number of cases pending.	Decided in favor of Government.	Decided against Government.	Total decided.	Percentage of cases decided in favor of Government.	Percentage of cases decided against Government.	Total number of cases pending.	Decided in favor of Government.	Decided against Government.	Total decided.	Percentage of cases decided in favor of Government.	Percentage of cases decided against Government.	Total number of cases pending.	Decided in favor of Government.	Decided against Government.	Total decided.	Percentage of cases decided in favor of Government.	Percentage of cases decided against Government.	Total number of cases pending.	Decided in favor of Government.	Decided against Government.	Total decided.	Percentage of cases decided in favor of Government.	Percentage of cases decided against Government.
Original Suits ...	66	33	6	39	84½	15½	721	394	52	446	88½	11½	51	35	8	43	81½	18½	697	254	108	362	70	30
Regular Appeals	127	47	43	90	52½	47½	295	129	35	164	78½	21½	89	38	38	76	50	50	361	255	42	297	85½	14½
Special Appeals...	21	11	2	13	84½	15½	98	38	10	48	77	23	15	5	4	9	55½	44½	155	48	3	51	94	6
Summary Appeals	1	1	...	1	100	...	6	4	...	4	100	...	3	2	...	2	100	...	8	5	...	5	100	...

5. Adverting to the 3rd paragraph of the Secretary of State's Despatch of 17th March last on the previous year's report, I am directed to forward herewith a letter from the present Legal Remembrancer, No. 1954, dated 4th ultimo, which sufficiently explains the circumstances referred to by Lord de Grey and Ripon.

I have the honor to be,

SIR,

Your most obedient Servant,

T. B. LANE,

Secretary.

From H. T. PRINSEP, ESQ., Officiating Superintendent and Remembrancer of Legal Affairs, to the Secretary to the Board of Revenue, Lower Provinces,—(dated the 1st October 1866.)

SIR,

I HAVE the honor to submit the accompanying Report on the legal affairs of the Bengal Presidency for the year 1865-66.

2. Owing to my not having held the office of Legal Remembrancer during any of the period under report, I am not in a position to submit any remarks regarding the conduct of the Government suits; the causes which have led to the decision of suits adversely to Government or the Court of Wards or the points of interest that have been ruled by the High Court. I regret, therefore, that this Report contains the figured results of the administration of this Department.

3. The total number of suits pending on the 1st May 1865 was 520, of which 292 were original, and 228 were appealed suits. During the year 1865-66, 456 suits were instituted in the Courts of first instance, and 403 in the Appellate Courts; total 859. Shewing during the past year there were under trial 748 original suits, and 631 appeals; grand total 1,379.

4. Of the original suits 289 were decided in favor of Government, and 116 against it; total decided 405, pending 343. Of the 116 cases shewn as decided against Government, 17 cases were compromised, and in 6 cases the decisions against Government have been reversed in appeal, the actual number lost being 93. Of the appeals, 353 cases were decided in favor of, and 87 against, Government; total decided 440, pending 136. The total number of judgments favorable to Government is 642 against 203 unfavorable, and the number of cases pending on the 30th April was 479. In 42 cases the Government was cast both in the Courts of first instance and of the appeal.

5. The following Table gives a comparative view of the results of the litigation in which Government was concerned during the year under review and the last preceding year:—

	1864-65.															1865-66.													
	GOVERNMENT—PLAINTIFF OR APPELLANT.						GOVERNMENT—DEFENDANT OR RESPONDENT.						GOVERNMENT—PLAINTIFF OR APPELLANT.						GOVERNMENT—DEFENDANT OR RESPONDENT.					
	Total number of cases pending.	Decided in favor of Government.	Decided against Government.	Total decided.	Percentage of cases decided in favor of Government	Percentage of cases decided against Government.	Total number of cases pending.	Decided in favor of Government.	Decided against Government.	Total decided.	Percentage of cases decided in favor of Government	Percentage of cases decided against Government.	Total number of cases pending.	Decided in favor of Government.	Decided against Government.	Total decided.	Percentage of cases decided in favor of Government.	Percentage of cases decided against Government.	Total number of cases pending.	Decided in favor of Government.	Decided against Government.	Total decided.	Percentage of cases decided in favor of Government.	Percentage of cases decided against Government.
Original Suits	56	33	6	39	84½	15½	731	394	55	449	88½	11½	51	35	8	43	81½	18½	697	254	109	363	70	30
Regular Appeals . ..	127	47	41	90	52½	47½	205	129	37	166	78½	21½	89	38	38	76	50	50	361	255	42	297	85½	14½
Special Appeals	21	11	2	13	84½	15½	95	38	10	48	77	23	15	5	4	9	55½	44½	165	48	3	51	94	6
Summary Appeals	1	1		1	100	.	6	4	.	4	100	...	3	2		2	100	100	8	5	...	5	100	100

The amount expended in litigation during the year is Rupees 57,928 in the Land Revenue Department, and Rupees 944 in the Salt and Opium Departments; total Rupees 58,872.

The amount realized under decrees of Court was Rupees 43,054 in the Land Revenue Department, and Rupees 2,557 in the Salt and Opium Departments; total Rupees 45,611.

The outstanding balances due to Government are as under:—

				Rs.
Revenue decrees	..	..	..	98,794
Salt and Opium ditto	..	..	..	1,29,036
		Total Rupees	..	2,27,830

A.

STATEMENT FOR THE YEAR 1865-66.

CASES instituted to establish some substantial right.

1	2							3							4						
	Suits to establish a title to hold land rent-free or at a fixed assessment.							Suits for land, or for the rent of land arising out of Settlement Proceedings.							Suits to establish a title to engage for lands under Settlement.						
	Total.	Decisions. Favorable.		Decisions. Unfavorable.		Pending.		Total.	Decisions. Favorable.		Decisions. Unfavorable.		Pending.		Total.	Decisions. Favorable.		Decisions. Unfavorable.		Pending.	
	No.	No.	Rs. As. P.	No.	Rs. As. P.	No.	Rs. As. P.	No.	No.	Rs. As. P.	No.	Rs. As. P.	No.	Rs. As. P.	No.	No.	Rs. As. P.	No.	Rs. As. P.	No.	Rs. As. P.
High Court Appeals	...	...	.....	...	.....	...	.....	5	2	3,673 2 0	...	.....	3	1,906 0 0	6	2	333 2 0	3	263 0 0	1	873 0 0
Zillah Appeals ...	...	...	.....	...	.....	...	.....	3	2	1,582 0 0	...	.....	1	271 4 0	7	5	5,629 0 0	...	.....	2	494 0 0
Original Suits ...	3	3	723 0 0	...	.....	...	.....	5	3	1,875 0 0	...	.....	2	963 8 0	10	6	13,416 0 0	2	494 0 0	2	15,529 0 0
Total ...	3	3	723 0 0	...	.....	...	.....	13	7	6,130 2 0	...	.....	6	3,000 12 0	23	13	19,378 2 0	5	697 0 0	5	16,896 0 0

1	5							6							7							8						
	Suits to establish a title to vacant possession and properties claimed by, or escheated to, Government.							Suits for reinstatement of office from which claimants have been dismissed by local Agents or other Authorities.							Suits for the recovery of Salaries, Malikana, Pensions, Fees, &c.							Suits for the recovery of sums unjustly realized for the recovery of rents unduly levied, or for the recovery of receipts for rents, or for exoneration from unjust demand.						
	Total.	Decisions. Favorable.		Decisions. Unfavorable.		Pending.		Total.	Decisions. Favorable.		Decisions. Unfavorable.		Pending.		Total.	Decisions. Favorable.		Decisions. Unfavorable.		Pending.		Total.	Decisions. Favorable.		Decisions. Unfavorable.		Pending.	
	No.	No.	Rs. As. P.	No.	Rs. A. P.	No.	Rs. As. P.	No.	No.	Rs. A. P.	No.	Rs. A. P.	No.	Rs. A. P.	No.	No.	Rs. As. P.	No.	Rs. A. P.	No.	Rs. A. P.	No.	No.	Rs. As. P.	No.	Rs. As. P.	No.	Rs. As. P.
High Court Appeals	1	1	25 13 0	...	.....	...	.....	2	...	.....	...	.....	2	22,669 0 0	...	...	.....	...	.....	...	.....	3	3	12,679 13 0	...	.....	...	.....
Zillah Appeals ...	1	1	636 7 0	...	.....	...	.....	1	1	686 0 0	...	.....	...	.....	4	1	2567 11 0	2	369 0 0	1	360 0 0	2	0	.....	...	.....	2	362 0 0
Original Suits ...	13	10	2,047 0 0	...	.....	3	10,686 0 0	0	...	.....	...	.....	...	.....	23	8	3,630 0 0	11	1,325 0 0	4	537 0 0	8	2	1,226 0 0	4	6,068 0 0	2	732 0 0
Total ...	15	12	2,709 4 0	...	.....	3	10,686 0 0	3	1	686 0 0	...	.....	2	22,669 0 0	27	9	6,187 11 0	13	1,724 0 0	5	837 0 0	13	5	16,705 13 0	4	6,068 0 0	4	1,094 0 0

1	9							10							11						
	Suits for Wasilat, or for the recovery of costs or surplus collections after an adjustment of accounts, or value of property or purchase money.							Suits to obtain possession of land, estates, or other property, or for the recovery of rents, or common or Bond debts.							Suits in which Government has been made a defendant *pro formâ*.						
	Total.	Decisions. Favorable.		Decisions. Unfavorable.		Pending.		Total.	Decisions. Favorable.		Decisions. Unfavorable.		Pending.		Total.	Decisions. Favorable.		Decisions. Unfavorable.		Pending.	
	No.	No.	Rs. As. P.	No.	Rs. As. P.	No.	Rs. As. P.	No.	No.	Rs. As. P.	No.	Rs. As. P.	No.	Rs. As. P.	No.	No.	Rs. As. P.	No.	Rs. As. P.	No.	Rs. As. P.
High Court Appeals	15	13	29,628 0 0	...	.....	2	223 3 0	117	40	98,114 0 0	5	2,57,761 0 0	72	1,25,476 0 0	2	2	1,613 0 0	...	.....	...	.....
Zillah Appeals ...	11	8	3,644 0 0	1	874 0 0	2	5,586 0 0	322	225	1,41,469 0 0	65	43,694 0 0	32	16,289 0 0	1	1	83 4 0	...	.....	...	.....
Original Suits ...	40	22	23,119 0 0	7	6,809 0 0	11	2,05,680 0 0	500	154	2,44,718 0 0	65	98,034 0 0	281	2,93,150 0 0	10	5	746 0 0	...	.....	5	598 0 0
Total ...	66	43	56,391 0 0	8	7,683 0 0	15	2,11,188 3 0	939	419	4,82,321 0 0	135	3,99,489 0 0	385	4,36,926 0 0	13	8	2,412 4 0	...	.....	5	598 0 0

FORT WILLIAM,
The 1st October 1866.

H. T. PRINSEP,
Offg. Superintendent and Remembrancer of Legal Affairs.

B.

CASES instituted to obtain redress for official acts.

1	2									3									4									5								
	Suits for the reversal of Revenue Sales on the pleas of informality, non-liability, &c.									Suits for reversal of Sales in execution of Decrees, on the pleas of informality, non-liability, &c.									Suits for the reversal of Sales of property pledged as Security, on the plea that the property sold was not liable, or on other pleas.									Suits to stay Revenue Sales or Sales in execution of Decrees, or Sales of property pledged as Security.								
	Total.	Decisions.							Pending.	Total.	Decisions.							Pending.	Total.	Decisions.							Pending.	Total.	Decisions.							Pending.
		Favorable.			Unfavorable.						Favorable.			Unfavorable.						Favorable.			Unfavorable.						Favorable.			Unfavorable.				
	No.	No.	Rs. As. P.		No.	Rs. As. P.			No.	Rs. As. P.	No.	No.	Rs. As. P.		No.	Rs. As. P.		No.	Rs. As. P.	No.	No.	Rs. As. P.		No.	Rs. As. P.		No.	Rs. As. P.	No.	No.	Rs. As. P.		No.	Rs. As. P.		No.	Rs. As. P.
High Court Appeals	2	...	.....		2	1,366 0 0		...	.....	2	2	4,292 0 0		...	.....		...	.....	...	...	.....		...	.....		...	.....	...	...	.....		...	.....		...	.....
Zillah Appeals ...	13	7	2,623 0 0		5	5,386 0 0		1	505 0 0	4	3	90 0 0		...	.....		1	146 6 0	...	...	.....		...	.....		...	.....	...	...	.....		...	.....		...	.....
Original Suits ...	6	4	2,165 0 0		2	2,496 0 0		...	.....	10	4	1,041 0 0		4	349 0 0		2	213 0 0	1	1	121 0 0		...	.....		...	.....	...	...	.....		...	.....		...	.....
Total ...	21	11	4,788 0 0		9	9,248 0 0		1	505 0 0	16	9	5,423 0 0		4	349 0 0		3	359 6 0	1	1	121 0 0		...	.....		...	.....	...	...	.....		...	.....		...	.....

1	6									7									8									9								
	Suits of third parties advancing claim to land attached or sold by Government as belonging to others.									Suits improperly instituted against Officers over whom, in their official capacity, the Civil Court has no jurisdiction.									Suits to contest orders reversing Sales, or regarding confirmation or quashing of Butwarrahs, or the imposition of fines.									Suits for damages on account of acts done by Revenue or other Officers.								
	Total.	Decisions.							Pending.	Total.	Decisions.							Pending.	Total.	Decisions.							Pending.	Total.	Decisions.							Pending.
		Favorable.			Unfavorable.						Favorable.			Unfavorable.						Favorable.			Unfavorable.						Favorable.			Unfavorable.				
	No.	No.	Rs. As. P.		No.	Rs. As. P.		No.	Rs. As. P.	No.	No.	Rs. As. P.		No.	Rs. As. P.		No.	Rs. As. P.	No.	No.	Rs. As. P.		No.	Rs. As. P.		No.	Rs. As. P.	No.	No.	Rs. As. P.		No.	Rs. As. P.		No.	Rs. As. P.
High Court Appeals	4	4	738 0 0		...	.....		...	.....	...	...	.....		...	.....		...	.....	1	1	200 0 0		...	.....		...	.....	...	...	.....		...	.....		...	.....
Zillah Appeals ...	3	2	249 0 0		...	.....		1	1,513 8 0	...	...	.....		...	.....		...	.....	1	1	48 0 0		...	.....		...	.....	6	3	288 0 0		...	.....		3	2,413 0 0
Original Suits ...	21	11	1,781 0 0		1	150 0 0		9	1,637 0 0	2	1	400 0 0		...	.....		1	489 0 0	2	1	174 0 0		...	.....		1	1,512 0 0	31	8	2,475 0 0		12	5,514 0 0		11	42,416 0 0
Total ...	28	17	2,768 0 0		1	150 0 0		10	3,150 8 0	2	1	400 0 0		...	.....		1	489 0 0	4	3	422 0 0		...	.....		1	1,512 0 0	37	11	2,733 0 0		12	5,514 0 0		14	44,829 0 0

FORT WILLIAM,
The 1st October 1866.

H. T. PRINSEP,
Offg. Superintendent and Remembrancer of Legal Affairs.

C.

CASES in which Government is Plaintiff.

1	2							3							4						
	Suits to establish a title to assess or to levy an enhanced Assessment.							Suits for recovery of sums misappropriated from Defaulters or their Sureties.							Suits for refund of money paid to parties not entitled to it.						
	Total.	Decisions.					Pending.	Total.	Decisions.					Pending.	Total.	Decisions.				Pending.	
		Favorable.			Unfavorable.				Favorable.			Unfavorable.				Favorable.			Unfavorable.		
	No.	No.	Rs. As. P.	No.	Rs. As. P.	No.	Rs. As. P	No	No.	Rs. As. P.	No.	Rs. As. P	No.	Rs. As. P.	No.	No.	Rs. As. P.	No.	Rs. As. P.	No.	Rs. As P.
High Court Appeals	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Zillah Appeals	...	...	...	...	...	...	...	1	1	258 6 0	...	...	...	...	...	...	...	...	...	...	...
Original Suits	...	...	...	...	...	...	...	10	8	6,988 0 0	...	...	2	7,158 0 0	...	...	...	...	...	...	...
Total	...	...	...	...	...	...	...	11	9	7,246 0	...	...	2	7,158 0 0		...	...	...	...		...

	5								6								7							
	Suits for the recovery of sums from parties or their Sureties for non-fulfilment of Contract.								Suits for possession of land, or the rent of land, or for the recovery of debts.								Suits to impose fines for the infraction of the Salt Laws.							
	Total.	Decisions.						Pending.	Total.	Decisions.						Pending.	Total.	Decisions.						Pending.
		Favorable.			Unfavorable.					Favorable.			Unfavorable.					Favorable.			Unfavorable.			
	No.	No.	Rs. As. P.	No.	Rs. As. P.	No.	Rs. As. P.	No.	No.	Rs. As. P.	No.	Rs. As. P.	No.	Rs. As. P.	No.	Rs. As. P.	No.	No.	Rs. As. P.	No.	Rs. As. P.	No.	Rs. As. P.
High Court Appeals	2	1	1,033 3 7	1	294 3 0	...	...	3	1	...	...	...	2	37,907 0 0	...	...	...	...	...	...	...	...	...
Zillah Appeals	5	2	1,251 0 0	...	...	3	3,731 0 0	13	8	4,756 0 0	3	9,387 0 0	2	5,178 0 0	...	...	...	...	...	...	...	...	...
Original Appeals	4	3	3,731 0 0	1	1,019 0 0	...	...	38	24	22,736 0 0	7	21,553 0 0	7	12,418 0 0	...	...	...	...	...	...	...	...	...
Total ...	11	6	6,015 3 7	2	1,313 3 0	3	3,731 0 0	54	33	27,492 0 0	10	30,940 0 0	11	55,503 0 0	...	...	...	...	...	...	...	...	...

FORT WILLIAM,
The 1st October 1866.

H. T. PRINSEP,
Offg. Superintendent and Remembrancer of Legal Affairs.

D.

GENERAL ABSTRACT STATEMENT of Suits in the Civil Court in which Government is a party, disposed of and pending during the year 1865-66.

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17
	ORIGINAL SUITS.							APPEALS.								
COURT.	Number pending on the 30th April 1865.	Number instituted from 1st May 1865 to 30th April 1866.	Total.	Decided within the Year. In favor of Government.	Against Government.	Total.	Pending on the 30th April 1866.	Number pending on the 30th April 1865.	Number instituted from 1st May 1865 to 30th April 1866.	Total.	Decided within the Year. In favor of Government.	Against Government.	Total.	Pending on the 30th April 1866.	Number of cases in which Government lost twice.	
High Court	.....	.....	...	.....	.....	.....	.....	75	156	231	81	12	93	83	6	
Patna	2	6	8	5	2	7	1	.....	.....	...	.....	.....	...	.....	.....	
Gya	2	6	8	5	.....	5	3	.....	1	1	1	.....	1	.....	.....	
Sarun	1	4	5	3	1	4	1	1	1	2	1	.....	1	1	.....	
Shahabad	1	4	5	4	1	5	.....	.....	2	2	2	.....	2	.....	.....	
Tirhoot	2	5	7	5	2	7	.....	2	2	4	3	1	4	.....	.....	
Bhangulpore	.....	9	9	4	3	7	2	.....	9	9	7	2	9	.....	2	
Monghyr	5	.....	5	3	2	5	.....	.....	.....	...	.....	.....	...	.....	.....	
Purneah	2	.....	2	2	.....	2	.....	3	2	5	5	.....	5	.....	.....	
Moorshedabad	21	18	39	6	13	19	20	2	23	25	.....	25	25	.....	19	
Rajshahye	.....	3	3	3	.....	3	.....	.....	2	2	1	1	2	.....	.....	
Pubna	12	7	19	15	4	19	.....	1	5	6	3	3	6	.....	1	
Rungpore	2	.....	2	1	1	2	.....	1	3	4	1	3	4	.....	1	
Bograh	.....	5	5	3	.....	3	2	.....	.....	...	.....	.....	...	.....	.....	
Dinagepore	.....	5	5	.....	4	4	1	1	1	2	1	.....	1	1	.....	
Maldah	.....	4	4	2	.....	2	2	.....	.....	...	.....	.....	...	.....	.....	
Burdwan	19	27	46	33	2	35	11	1	8	9	9	.....	9	.....	.....	
Hooghly	10	18	28	14	7	21	7	6	18	24	19	2	21	3	1	
Bancoorah	129	125	254	46	4	50	204	71	23	94	87	5	92	2	.....	
Beerbhoom	4	11	15	11	.....	11	4	2	4	6	6	.....	6	.....	.....	
Midnapore	7	24	31	16	8	24	7	.....	10	10	3	2	5	5	1	

Nuddea	1	16	17	6	8	14	3	.....	6	6	1	.....	1	5	.....
24-Pergunnahs	5	12	17	7	3	10	7	4	4	8	3	3	6	2	1
Jessore	.....	.....	...	.....	.....	.....	.....	5	1	6	3	3	6	.....	.....
Soonderbuns	1	1	2	.....	1	1	1	.....	.....	...	.....	.....	...	.....	.....
Dacca	14	14	28	8	13	21	7	27	22	49	29	15	44	5	4
Furreedpore	4	6	10	5	2	7	3	1	3	4	3	1	4	.....	.....
Sylhet...	7	40	47	22	11	33	14	2	6	8	5	.....	5	3	.....
Mymensing	13	19	32	14	6	20	12	3	11	14	5	2	7	7	2
Backergunge	2	6	8	4	.....	4	4	3	1	4	2	.....	2	2	.....
Cuttack	.....	2	2	1	.....	1	1	.....	1	1	.....	.....	...	1	.....
Balasore	.....	.....	...	.....	.....	.....	.....	.....	.....	...	.....	.....	...	.....	.....
Pooree...	2	.....	2	.....	.....	.....	2	.....	.....	...	.....	.....	...	.....	.....
Chittagong	8	26	34	21	3	24	10	3	8	11	5	.....	5	6	.....
Tipperah	3	5	8	5	2	7	1	5	5	10	1	4	5	5	2
Bullooah	3	3	6	.....	2	2	4	1	2	3	1	1	2	1	1
Hazareebaugh	.....	3	3	3	.....	3	.....	.....	4	4	3	.....	3	1	.....
Lohardugga	2	2	4	3	.....	3	1	1	.....	1	1	.....	1	.....	.....
Maunbhoom	8	7	15	5	2	7	8	7	57	64	60	1	61	3	.....
Kamroop	.....	1	1	1	.....	1	.....	.....	1	1	1	.....	1	.....	.....
Gowalparrah	.....	12	12	3	9	12	.....	.....	1	1	.....	1	1	.....	.....
Durrung	.....	.....	...	.....	.....	.....	.....	.....	.....	...	.....	.....	...	.....	.....
Total ...	292	456	748	289	116	405	343	228	403	631	353	87	440	136	41

FORT WILLIAM,
The 1st October 1866.

H. T. PRINSEP,
Offg. Superintendent and Remembrancer of Legal Affairs.

E.

STATEMENT shewing the Amount expended in litigation as contrasted with the sums actually realized by Government under decrees of Court in the Revenue Department, from 1st May 1865 to 30th April 1866.

Division	Zillah	Nature of Receipts: Sums awarded in favor of Government in Regular Suits.	Costs awarded in favor of Government, whether in actions for or against Government.	Costs in Privy Council Appeals realized.	Costs in Pauper Suits realized, exclusive of Stamp Fees.	Costs in all other cases realized.	All sums otherwise realized in Judicial Proceedings.	Total.	Nature of Disbursements: Amount including costs awarded against Government in Regular Suits.	Amount expended in prosecution of Suits in Court.	Amount expended in defence of Suits in Court.	Amount advanced in Privy Council Appeals.	Amount advanced in Pauper Suits inclusive of Stamp Fees.	Miscellaneous Disbursements on account of Judicial Proceedings other than those above specified.	Total.	Remarks.
		Rs. As. P.	Rs. As. P.	Rs. As. P.	Rs. As. P.	Rs. As. P.	Rs. As. P.	Rs. As. P.	Rs. As. P.	Rs. As. P.	Rs. As. P.	Rs. As. P.	Rs. As. P.	Rs. As. P.	Rs. As. P.	
Patna.	Patna ...	...	183 9 7	.....	421 0 6	.....	.....	604 10 1	2,873 13 4	100 0 0	118 2 0	.....	2 1 7	82 0 0	3,176 0 11	
	Gya ...	499 7 6	221 6 0	.....	.....	.....	2 2 0	723 [illegible] 6	.....	28 0 0	134 14 3	.....	.....	63 7 9	226 6 0	
	Sarum ...	.....	364 4 3	.....	.....	.....	.....	36[illegible] 4 3	.....	150 9 0	424 10 9	.....	.....	[illegible] 12 0	592 15 9	
	Shahabad ...	7,347 8 1	.....	.....	669 4 0	.....	.....	8,0[illegible] 12 1	27 1 0	.....	168 4 3	.....	.....	1 8 0	196 13 3	
	Tirhoot ...	785 11 11	.....	.....	.....	.....	.....	785 11 11	3,246 2 11½	.....	1,110 15 11	.....	2 3 0	14 1 0	4,373 6 10½	
Bhaugulpore.	Bhaugulpore ...	175 5 2	61 7 7	.....	.....	.....	.....	236 12 9	105 8 6	128 0 0	1 0 0	.....	.....	344 9 7	579 2 1	
	Monghyr ...	.....	.....	.....	.....	.....	.....	.....	1,538 8 0	254 1 2	.....	.....	18 5 0	199 12 0	2,110 10 2	
	Purneah ...	.....	2,472 12 0	.....	29 8 0	.....	100 0 0	2,593 4 0	.....	.....	155 7 2	.....	21 12 0	4 15 0	182 2 2	
Rajshahye.	Moorshedabad ...	.....	1,303 1 9	.....	1 8 0	.....	.....	1,304 9 9	.....	.....	702 1 5	.....	4 0 0	569 6 6	1,275 7 11	
	Rajshahye ...	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	
	Pubna ...	.....	103 3 6	.....	.....	.....	192 14 6	296 2 0	.....	.....	4 8 0	.....	.....	860 12 10	865 4 10	
	Rungpore ...	.....	1,897 4 3	.....	9 0 0	.....	.....	1,906 4 3	.....	16 15 0	.....	.....	.....	.....	16 15 0	
	Bograh ...	.....	18 5 0	.....	.....	.....	.....	18 5 0	.....	.....	.....	.....	32 0 0	.....	899 10 4	
	Dinagepore ...	6 6 0	.....	.....	.....	.....	.....	6 6 0	643 6 10	123 3 8	100 15 10	.....	.....	5 4 0	1,879 12 0	
	Maldah ...	2,941 12 3	34 11 0	.....	.....	.....	.....	2,976 7 3	1,873 0 0	0 8 0	.....	.....	.....	.....	2,048 4 6	
Burdwan.	Burdwan ...	803 14 8	.....	.....	0 6 0	697 12 0	.....	1,502 0 8	2,575 5 0	.....	32 15 6	.....	.....	.....	2,608 [illegible]	
	Hooghly ...	.....	1,356 11 5	.....	50 10 0	.....	.....	1,407 5 5	933 4 8	361 8 5	4 8 0	.....	.....	.....	1,299 5 2	
	Bancoorah ...	.....	740 1 4	.....	.....	.....	.....	740 1 4	.....	.....	1,407 6 0	.....	.....	.....	1,407 6 0	
	Beerbhoom ...	.....	205 15 6	.....	125 9 0	.....	.....	331 8 6	822 7 6	68 9 0	114 15 6	.....	.....	66 15 0	1,072 15 0	
	Midnapore ...	1,578 15 0	907 0 10	.....	.....	.....	.....	2,485 15 10	.....	31 3 0	1 0 0	.....	191 2 0	32 3 0	255 8 0	
									284 7 9	49 5 1	148 10 10	.....	4 0 0	54 14 0	541 5 8	

NUDDEA.	Nuddea ..	.....	29 8 0	.....	.....	.....	.....	29 8 0	.....	....	1,442 9 0	.....	... ..	. .	1,442 9 0
	24-Pergunnahs...	.....	2,151 3 3	... .	.....	.....	.....	2,151 3 3	4,477 1 1	916 7 0	2 8 0	. ..	31 8 0	1,292 3 2	6,719 11 3
	Jessore ..	.. ...	869 5 4	... ..	.....	.....	3 0 0	872 5 4	400 14 7	85 6 0	240 3 10		... .	240 0 0	966 8 5
	Soonderbuns	2,144 5 6	....	.....	.....	.....	.....	2,144 5 6	7,429 15 8	262 11 0	2,286 10 8	105 8 0	... ..	4 8 0	10,099 5 4
DACCA.	Dacca	620 3 0	80 1 3	.....	.....	.....	... ..	700 4 3	.....	1,273 3 1	4,473 10 3	.....	. . .	...	5,746 13 4
	Furreedpore ..	... .	102 14 0	.....	3 9 0	.....	38 8 4	144 15 4	.....	.. ..	1,518 11 7	.....	. . ..	317 10 2	1,836 5 9
	Sylhet	.....	218 2 3	.....	2 8 0	.....	... .	220 10 3	200 0 2	525 1 9	107 2 6	.. .	. ...	573 1 0	1,405 5 5
	Mymensingh ...	5,411 15 0	1,655 15 3	.....	. ...	.....	... ..	7,067 14 3	561 11 9	13 11 0	253 2 0	... .	... ..	..	828 8 9
	Backergunge ..	961 10 5	153 2 0	.....	.. ...	.....	.....	1,114 12 5	480 0 11	76 12 0	19 0 0	.....	. . ..	578 2 7	1,153 15 6
CUTTACK.	Cuttack ...	.....	.....	.....	9 10 9	.....	.....	9 10 9	.....	.....	.. .	.....	10 6 0	. .	10 6 0
	Balasore ...	. . . .	.....	.....	212 9 11	... .	16 11 2	229 5 1	.....	.....	..	... ..	1 2 0	...	1 2 0
	Pooree ...	. . .	. ...	.....	.....	.....	.....	.....	.....	.. ..	5 0 0	... ..	1 14 0	2 0 0	8 14 0
CHITTAGONG.	Chittagong ...	.....	271 13 7	.....	.....	.....	.....	271 13 7	.....	30 12 0	3 8 0	.....	.....	218 6 0	252 10 0
	Tipperah ..	..	57 15 5	.....	.....	.....	.....	57 15 5	.....	359 7 3	.. .	.....	.....	17 0 0	367 7 3
	Bullooah ..	383 6 5	. ...	.....	.....	.....	... ..	383 6 5	.. ..	195 1 10	15 6 0	.....	.....	7 14 6	218 6 4
CHOTA NAGPORE.	Hizareebaugh ..	.....	99 8 0	.....	.....	.....	.....	99 8 0	.....	.....	81 7 3	.....	.....	16 13 0	98 4 3
	Lohardugga ..	... ...	75 10 0	.. .	.....	.... .	.....	75 10 0	.....	..	25 6 0	.....	...	39 4 0	64 10 0
	Manbhoom ...	.....	139 13 0	.....	.....	.....	16 0 0	155 13 0	.....	532 1 0	1,763 14 6	.....	...	...	2,294 15 6
	Singbhoom ..	.. ..	912 13 3	.....	.....	.....	.....	912 13 3	.....	. ....	859 4 6	... ..	.	.....	859 4 6
ASSAM.	Durrung ...	4 10 0	.....	.....	.....	.....	.....	4 10 0	.....	..	..	.....	.. ...	.....	.....
	Gowalparah ...	.... .	106 7 9	.....	.....	.....	.. ...	106 7 9	.....	....	4 11 0	.....	... ..	... ..	4 11 0
	Nowgong ..	.....	.....	... ..	.....	.....	.....	.....	.....	.. ...	.....	.....	.....	.. ..	.....
	Total .	23,665 2 11	16,793 13 4	... ..	1,526 3 2	697 12 0	369 4 0	43,054 3 5	28,572 13 8½	5,583 8 4	17,721 10 6	105 8 0	320 5 7	5,624 7 1	57,928 5 2½

FORT WILLIAM,
The 1st October 1866.

H. T. PRINSEP,
Offg. Superintendent and Remembrancer of Legal Affairs.

F.

STATEMENT shewing the Amount expended in litigation as contrasted with the sums actually realized by Government under decrees of Court in the Salt and Opium Departments, from 1st May 1865 to 30th April 1866.

	Nature of Receipts.						Nature of Disbursements.					Remarks.
	Sums awarded in favor of Government in Regular Suits.	Costs awarded in favor of Government, whether in actions for or against Government.	Fines and Penalties realized through the intervention of the Courts of Justice.	Costs in all other cases realized.	All sums otherwise realized in Judicial Proceedings.	Total.	Amount, including Costs, awarded against Government in Regular Suits.	Amount expended in prosecution of Suits in Court.	Amount expended in defence of Suits in Court.	Miscellaneous Disbursements on account of Judicial Proceedings other than those above referred to.	Total.	
Salt Department.	Rs. As. P.	Rs. As. P.	Rs. As. P.	Rs. As. P.	Rs. As. P.	Rs. As. P.	Rs. As. P.	Rs. As. P.	Rs. As. P.	Rs. As. P.	Rs. As. P.	
Cuttack Agency ...	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	
Balasore " ...	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	
Poorce " ...	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	
Hidgellee " ...	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	
24-Pergunnahs " ...	2,148 15 2	148 4 11	.....	.....	.....	2,297 4 1	.....	925 4 6	0 8 0	.....	925 12 6	
Chittagong " ...	.....	215 8 4	.....	.....	.....	215 8 4	.....	.....	.....	18 11 0	18 11 0	
Total ...	2,148 15 2	363 13 3	.....	.....	.....	2,512 12 5	.....	925 4 6	0 8 0	18 11 0	944 7 6	
Behar Opium Agency ...	45 1 3	.....	.....	.....	.....	45 1 3	.....	.....	.....	.....	.....	
Grand Total ...	2,194 0 5	363 13 3	.....	.....	.....	2,557 13 8	.....	925 4 6	0 8 0	18 11 0	944 7 6	

Fort William,
The 1st October 1866.

H. T. PRINSEP,
Offg. Superintendent and Remembrancer of Legal Affairs.

G.

GENERAL ABSTRACT STATEMENT shewing the Amounts decreed in favor of Government in the Revenue Department, realized and outstanding on the 1st May 1866.

DIVISION.	ZILLAH.	Outstanding on the 1st May 1865.			Awarded in favor of Government, from 1st May 1865 to 30th April 1866.			Total.	Realized during the year 1865-66.	Balance.	Deduct remitted by order of the Commissioner of Revenue or other Authorities.	Net balance outstanding on the 1st May 1866.	REMARKS.
		Principal.	Interest.	Costs.	Principal.	Interest.	Costs.						
		Rs. As. P.	Rs. As. P.	Rs. As. P.	Rs. As. P.	Rs. As. P.	Rs. As. P.	Rs. As. P.	Rs. As. P.	Rs. As. P.	Rs. As. P.	Rs. As. P.	
PATNA ...	Patna	2,367 3 7	188 14 4	37 1 0	433 6 6	294 0 0	36 12 6	3,357 5 11	183 9 7	3,173 12 4	.....	3,173 12 4	
	Gya	830 6 8	.....	.....	624 0 9	121 10 6	34 0 0	1,679 11 11	720 13 6	958 14 5	.....	958 14 5	
	Sarun	.....	.....	925 2 4	5,000 0 0	9 4 0	602 1 3	6,536 7 7	364 4 3	6,172 3 4	.....	6,172 3 4	
	Shahabad	6,016 11 11	1,313 7 0	377 13 6	120 4 3	27 1 0	22 12 11	9,878 2 7	7,347 8 1	2,530 10 6	288 8 0	2,242 2 6	
	Tirhoot	865 3 7	.....	18 7 6	397 8 5	154 1 8	31 13 0	1,467 2 2	785 11 11	681 6 3	.....	681 6 3	
BHAUGULPORE ...	Bhaugulpore ...	1,011 4 5	.....	1 4 0	218 8 8	16 4 1	2 0 0	1,249 5 2	236 12 9	1,012 8 5	.....	1,012 8 5	
	Monghyr	.....	.....	144 4 3	.....	.....	64 4 0	208 8 3	.....	208 8 3	.....	208 8 3	
	Purneah	.....	.....	4,763 11 2	.....	.....	800 4 6	5,563 15 8	2,472 12 0	3,091 3 8	.....	3,091 3 8	
RAJSHAHYE.	Moorshedabad ...	.....	.....	1,689 13 9	.....	.....	48 0 0	1,737 13 9	1,303 1 9	434 12 0	.....	434 12 0	
	Rajshahye	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	
	Pubna	.....	221 3 5	464 11 3	.....	.....	542 15 1	1,228 13 8	296 2 0	932 11 8	178 15 8	753 12 0	
	Bauleah	.....	339 11 0	1,434 1 5	.....	.....	123 7 10	1,897 4 3	1,897 4 3	.....	.....	.....	
	Bograh	.....	.....	393 4 9	.....	.....	1,443 4 9	1,836 9 6	166 6 9	1,670 2 9	.....	1,670 2 9	
	Dinagepore ...	15[illegible] 8 2	86 1 10	34 8 0	[illegible]	.....	.....	255 2 0	6 6 0	248 12 0	.....	248 12 0	
	Maldah	682 2 3	6 2 8	108 1 5	2,542 15 6	0 12 0	53 10 7	3,392 12 5	2,976 7 3	416 5 2	76 8 0	339 13 2	
BURDWAN ...	Burdwan	1,760 4 5	.....	24 0 0	4,977 4 4	31 9 10	80 8 0	6,873 10 7	803 14 8	6,069 11 11	.....	6,069 11 11	
	Hooghly	.....	5 12	4,814 9 1	.....	362 2 0	3,007 11 11	7,930 3 4	1,356 11 5	6,573 7 11	2,253 1 8	4,320 6 2	
	Bancoorah	2,053 13 11	.....	114 9 1	4,961 14 5	179 14 4	66 15 7	8,277 2 9	740 1 4	7,537 1 5	.....	7,537 1 5	
	Beerbhoom ...	1,201 3 8	.....	33 9 2	60 2 1	10 15 0	29 8 0	1,335 5 11	205 15 6	1,129 6 5	6 3 4	1,123 3 1	
	Midnapore ...	2,579 11 9	227 0 8	3,205 11 2	349 7 7	531 7 0	1,748 8 3	8,641 14 6	2,485 15 10	6,155 14 8	.....	6,155 14 8	
NUDDEA ...	Nuddea	.....	.....	2,813 7 2	.....	.....	22 6 11	2,835 14 1	29 3 0	2,806 11 1	.....	2,806 11 1	
	24-Pergunnahs ...	8,675 9 9½	247 8 [illegible]	87 1 3½	745 12 4	196 14 5	172 7 0	10,125 5 2	2,151 3 3	7,974 1 11	506 7 5	7,467 10 6	
	Jessore	770 2 5½	229 2 4½	9 13 0	679 11 10	215 10 2½	44 14 9	1,949 5 10½	869 5 4	1,080 0 6½	.....	1,080 0 6½	
	Sonderbuns ...	9,815 2 0	14 4 0	133 6 0	931 10 0	700 3 7	90 9 0	11,685 12 7	2,144 5 6	9,541 7 1	1,215 6 [illegible]	8,32[illegible] 1 1	
	Carried over ...	41,663 2 7	2,879 3 9½	21,428 6 3½	22,042 10 8	2,861 13 7½	9,067 15 4	99,943 13 7½	29,543 15 11	70,399 13 8½	4,525 2 1	65,874 11 6½	

G.—*(Continued.)*

Division	Zillah.	Outstanding on the 1st May 1865. Principal.	Interest.	Costs.	Awarded in favor of Government, from 1st May 1865 to 30th April 1866. Principal.	Interest.	Costs.	Total.	Realized during the year 1865-66.	Balance.	Deduct remitted by order of the Commissioner of Revenue or other Authorities.	Net balance outstanding on the 1st May 1866.	Remarks.
		Rs. As. P.	Rs. As. P.	Rs. As. P.	Rs. As. P.	Rs. As. P.	Rs. As. P.	Rs. As. P.	Rs. As. P.	Rs. As. P.	Rs. As. P.	Rs. As. P.	
	Brought forward ...	41,663 2 7	2,879 3 1½	21,428 6 3½	22,042 10 8	2,861 13 7½	9,067 15 4	99,943 13 7½	29,543 15 11	70,399 13 8½	2,525 2 1	65,874 11 6½	
Dacca	Dacca	1,002 0 1¾	.....	75 0 6	15,164 15 3	5 7 5½	74 4 3	16,321 [illegible] 7½	700 4 3	15,621 [illegible] 4½	8 5 6	15,613 1 10½	
	Furreedpore ...	.....	.....	844 2 8	.....	.....	107 4 2	951 6 10½	102 14 0	848 8 10½	.....	848 8 10½	
	Sylhet	55 15 3	.....	1 10 0	625 10 8	8 10 10	44 8 9	736 5 6	218 2 3	518 3 3	.....	518 3 3	
	Mymensing ...	5,982 3 7	.....	298 12 3	2,857 14 9	713 7 10	23 8 5	9,875 14 10	7,067 14 3	2,808 0 7	12 10 6	2,795 6 1	
	Backergunge ...	2,762 5 3	1,414 2 5	242 0 4	470 5 4	362 10 1	8 11 2	5,200 2 11	1,114 12 5	4,085 6 6	398 12 6	3,686 10 0	
Cuttack	Cuttack	305 13	105 2 0	1 0 0	.....	.....	.....	411 15 0	.....	411 15 0	411 15 0	.....	
	Balasore ...	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	
	Pouree	.....	.....	.....	.....	.....	20 0 0	20 0 0	.....	20 0 0	.....	20 0 0	
Chittagong	Chittagong ...	1,683 2 7	.....	.....	729 11 5	.....	.....	2,412 14 0	271 13 7	2,141 0 5	70 16 9	2,070 2 8	
	Tipperah ...	.....	.....	.....	63 11 10	4 1 9	.....	67 13 7	75 15 5	9 14 2	.....	9 14 2	
	Bullooah ...	310 14 8	.....	8 7 0	1 8 5	67 8 9	6 10 0	395 0 10	383 6 5	11 10 5	.....	11 10 5	
Hazareebaugh	Hazareebaugh ...	.....	.....	66 15 9	.....	.....	58 0 6	125 0 3	99 8 0	25 8 3	6 8 3	19 0 0	
	Lohardugga ...	2,436 4 5	919 11 11	39 12 0	457 8 8	60 10 5	9 8 0	3,923 7 5	75 10 0	3,847 13 5	.....	3,847 13 5	
	Manubhoom ...	.....	.....	988 1 6	.....	.....	1,419 7 6	2,407 9 0	139 13 0	.....	.....	.....	
	Singbhoom ...	.....	.....	.....	.....	.....	912 13 3	912 13 3	912 13 3	2,267 12 0	.....	2,267 12 0	
Assam	Durrung	195 3 6	.....	.....	17 8 0	.....	.....	212 11 6	4 10 0	208 1 6	.....	208 1 6	
	Gowalparah ...	.....	.....	1,003 0 0	.....	.....	106 7 9	1,109 7 9	106 7 9	1,003 0 0	.....	1,003 0 0	
	Nowgong	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	
	Total ...	56,397 0 11¾	5,318 14 5½	24,997 4 3	42,431 9 0	4,024 6 9	11,859 0 6	1,45,028 3 11¼	40,800 0 6	1,04,228 3 5½	5,134 3 7	98,793 15 10½	

FORT WILLIAM,
The 1st October 1866.

H. T. PRINSEP,
Offg. Superintendent and Remembrancer of Legal Affairs.

H.

GENERAL ABSTRACT STATEMENT shewing the Amounts decreed in favor of Government in the Salt and Opium Departments, realized and outstanding on the 1st May 1866.

Department.	Outstanding on the 1st May 1865.			Awarded in favor of Government, from 1st May 1865 to 30th April 1866.			Total.	Realized during the year 1865-66.	Balance.	Deduct remitted by order of the Commissioner of Revenue or other Authority.	Net Balance outstanding on the 1st May 1866.	Remarks.
	Principal.	Interest.	Costs.	Principal.	Interest.	Costs.						
Salt Department.	Rs. As. P.	Rs. As. P.	Rs. As. P.	Rs. As. P.	Rs. As. P.	Rs. As. P.	Rs. As. P.	Rs. As. P.	Rs. As. P.	Rs. As. P.	Rs. As. P.	
Cuttack Agency...	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	
Balasore " ...	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	
Pooree " ...	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	
Hidgellee " ...	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	
24-Pergunnahs " ...	1,19,338 6 11	47 8 5	3,079 12 8	5 8 0	768 15 0	.....	1,23,240 3 0	2,297 4 1	1,20,942 14 11	1,416 3 1	1,19,526 11 10	
Chittagong " ...	6,856 13 10	.....	.....	70 2 3	.....	.....	6,927 0 1	225 8 4	6,701 7 9	.....	6,701 7 9	
Total ...	1,26,195 4 9	47 8 5	3,079 12 8	75 10 3	768 15 0	.....	1,30,167 3 1	2,522 12 5	1,27,644 6 8	1,416 3 1	1,26,228 3 7	
Behar Opium Agency	2,504 15 3	12 11 9	335 10 5	.....	.....	.....	2,853 5 5	45 1 3	2,808 4 2	.....	2,808 4 2	
Grand Total ...	1,28,700 4 0	60 4 2	3,415 7 1	75 10 3	768 15 0	.....	1,33,020 8 6	2,567 13 8	1,30,452 10 10	1,416 3 1	1,29,036 7 9	

Fort William,
1st October 1866.

H. T. PRINSEP,
Offg. Superintendent and Remembrancer of Legal Affairs.

I.

STATEMENT shewing the Number of Cases appertaining to the Court of Wards decided and pending in the year 1865-66.

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	
	ORIGINAL SUITS.							APPEALS.							
				DECIDED.							DECIDED.				
	Number pending on 30th April 1865.	Number instituted from 1st May 1865 to 1st May 1866.	TOTAL.	In favor of Court of Wards.	Against Court of Wards.	Total decided.	Pending.	Number pending on 30th April 1865.	Number instituted from 1st May 1865 to 1st May 1866.	TOTAL.	In favor of Court of Wards.	Against Court of Wards.	Total decided.	Pending.	
High Court	.....	.....	.....	.....	.....	.....	.....	39	69	108	55	26	81	27	
Gya	1	2	3	1	2	3	.....	.....	3	3	1	2*	3	.....	* These 2 cases were compromised.
Patna	.....	2	2	1	1	2	.....	.....	1	1	1	.....	1	.....	
Shahabad	.....	14	14	12	2	14	.....	.....	6	6	2	4	6	.....	
Sarun	2	5	7	2	1	3	4	2	1	3	2	1	3	.....	
Tirhoot	16	15	31	16	11	27	4	9	9	18	7	5	12	6	
Monghyr	1	.....	1	1	.....	1	.....	.....	.....	.....	.....	.....	.....	.....	
Midnapore...	.....	.....	.....	.....	.....	.....	.....	2	.....	2	2	.....	2	.....	

Jessore	4	11	15	6	4	10	5	12	19	31	22	6	27	4
Bograh	1	3	4	2	...	2	2	.....	.....	.....	.....	... ..	.. ...	....
Dinagepore	.....	23	23	13	5	18	5	.....	1	1	1	.....	1	... ..
Maldah	.....	5	5	.....	5	5	.....	....	.....	.....	.....	.....	.....	.....
Rajshahye	.....	1	1	.....	1	1	.....	...	4	4	1	3	4	.....
Rungpore	2	.....	2	2	.....	2	.....	.....	.....	.....	... ..	.....	.....	... .
Moorshedabad	.....	2	2	.....	....	.....	2	....	....	.....	... .	. ....	... ..	... .
Backergunge	.....	.	... ..	....	... .	...	.....	1	.....	1	1	...	1	.....
Dacca	.....	3	3	2	1	3	.....	2	1	3	1	1	2	1
Furreedpore	...	15	15	12	2	14	1	.....	9	9	9	.....	9	.....
Mymensing	25	58	83	37	25	32	21	6	22	28	10	14	24	4
Sylhet	...	3	3	3	....	3	.. ...	.. ...	1	1	. ..	.. .	....	1
Hazareebaugh	.	12	12	8	4	12	....	.. ..	4	4	3	1	4	.. ...
Cuttack	1	2	3	3	.....	3	.....	.....	3	3	.....	1	1	2
Bullooah	.....	1	1	1	.....	1	.. ..	.	...	..	.....	..	... ..	.. .
Chittagong...	2	32	34	12	12	24	10	2	5	7	5	1	6	1
Tipperah	1	4	15	7	5	12	3	.....	2	2	.....	.....	.....	2
Total	56	223	279	141	81	222	57	75	160	235	123	64	187	48

FORT WILLIAM,
The 1st October 1866

H. T. PRINSEP,
Offg. Superintendent and Remembrancer of Legal Affairs.

J.

STATEMENT shewing the Amount realized and disbursed on account of Law Charges appertaining to the Court of Wards, from 1st May 1865 to 30th April 1866.

	Nature of Receipts.				Nature of Disbursements.						
	Sums awarded in favor of the Court of Wards in Regular Suits.	Costs awarded in favor of Court of Wards, whether in actions for or against it.	All sums otherwise realized in Judicial Proceedings.	Total.	Amount, including costs, awarded against the Court of Wards in Regular Suits.	Amount expended in prosecution of suits in Court.	Amount expended in defence of suits in Court.	Miscellaneous Disbursements on account of Judicial Proceedings.	Total.	Outstanding on account of Decrees passed in favor of Court of Wards.	Remarks.
	Rs. As. P.	Rs. As. P.	Rs. As. P.	Rs. As. P.	Rs. As. P.	Rs. As. P.	Rs. As. P.	Rs. As. P.	Rs. As. P.	Rs. As. P	
Patna	345 14 10	204 12 5	.....	550 11 3	530 8 10	.....	515 4 0	32 10 0	1,078 6 10	.....	
Shahabad ...	647 13 0	573 2 6	.....	1,220 15 6	30 6 6	50 5 6	.....	.....	80 12 0	1,273 7 6	
Sarun	87 13 2	166 13 10	.....	254 11 0	2,467 5 5	1,097 8 0	85 12 3	158 15 6	3,809 9 2	5,906 2 6	
Tirhoot	16,848 14 1	8,457 7 4	.....	25,306 5 5	1,05,145 15 2	1,842 4 6	1,023 4 3	876 6 9	1,08,887 14 8	2,97,264 12 1	
Bhaugulpore ...	.....	1,403 4 3	.....	1,403 4 3	.....	.....	.....	14 7 6	14 7 6	5,597 15 2	
Monghyr ...	.....	.....	.....	.....	.....	.....	.....	.....	.....	8,468 5 2	
Purneah ...	11,084 0 1	3,530 14 9	6,254 7 2	20,869 6 0	1,019 9 4	640 15 3	1,016 8 0	101 12 0	2,778 12 7	.....	
Beerbhoom ...	9,592 13 0	.....	.....	9,592 13 0	12,230 0 8	322 7 1	148 11 3	460 7 0	1,361 10 0	63,063 4 11	
Midnapore ...	1,229 6 3	.....	.....	1,229 6 3	359 12 0	873 4 3	.....	.....	1,233 0 3	12,398 7 0	
Dinagepore ...	861 0 0	.....	.....	861 0 0	2,522 1 9	1,715 6 3	.....	190 2 9	4,427 10 9	.....	
Bograh	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	
24-Pergunnahs ...	4,354 12 0	.....	.....	4,354 12 0	.....	69 1 0	0 8 0	4 0 0	73 9 0	9,414 6 1	
Backergunge ...	.....	.....	.....	.....	65 0 0	244 11 0	236 9 0	0 8 0	546 12 0	387 5 9	

Mymensing ...	11,663 5 9	.....	.....	11,663 5 9	2,637 4 10	2,755 6 0	1,002 10 3	.....	6,395 5 1	29,376 11 5	
Sylhet	701 6 6	.....	.....	701 6 6	96 3 0	272 13 6	88 3 8	144 8 0	601 11 8	680 4 9	
Cuttack... ..	45 6 2	.....	.....	45 6 2	63,874 11 1	290 0 4	240 12 6	0 8 0	64,405 15 11	47,428 0 1	
Hazareebangh ...	392 7 11	88 4 0	.....	480 11 11	1,890 4 10	942 10 6	1,549 4 0	.....	4,382 3 4	9,447 14 2	
Lohardugga ...	1,506 0 5	.....	.....	1,506 0 5	782 8 0	5,560 4 10	.....	.....	6,342 12 10	.....	
Tipperah ...	870 11 6	863 1 6	.....	1,733 13 0	1,063 4 4	469 13 3	.....	72 5 0	1,605 6 7	4,796 0 4	
Total ...	60,231 12 8	15,287 12 7	6,254 7 2	81,774 0 5	1,94,714 15 9	17,146 14 9	5,907 7 2	2,056 10 6	2,19,826 0 2	4,96,169 8 7	

FORT WILLIAM,
The 1st October 1866.

H. T PRINSEP,
Offg. Superintendent and Remembrancer of Legal Affairs.

From A. MACKENZIE, Esq., Under-Secretary to the Government of Bengal, to the Officiating Secretary to the Board of Revenue, Lower Provinces,—(No. 1052, dated the 16th February 1867.)

SIR,

I AM directed to acknowledge the receipt of your letter No. 121A., dated the 12th instant, submitting the usual Statistical Statements connected with the administration of the Legal Affairs of the Lower Provinces for 1865-66, and in reply to say that the Lieutenant-Governor awaits the submission of the Report and remarks promised in the 4th paragraph of your letter.

2. The Tabular Statements, without the explanations usually furnished, and the notes on the most important cases decided during the year, are of little use.

3. As Mr. Cockerell is now in Calcutta, he should be called on to submit at once the Report for the period of his incumbency.

4. His Honor does not, however, see why Mr. Prinsep could not have commented on such of the most important cases as required notice, and explained the causes of the unfavorable result of the litigation during the past year.

From T. B. LANE, Esq., Secretary to the Board of Revenue, Lower Provinces, to the Secretary to the Government of Bengal,—(No. 785A., dated the 4th March 1867.)

SIR,

IN continuation of No. 121A., dated 12th ultimo, and with reference to the Under-Secretary's No. 1052, dated 16th instant, I am directed to submit herewith, a copy of a letter from the Legal Remembrancer, dated 14th instant, No. 247, with the Memorandum therein enclosed.

2. The Board do not find in the Memorandum any point which requires special remark from them at this late period.

From H. T. PRINSEP, Esq., Officiating Superintendent and Remembrancer of Legal Affairs, to the Secretary to the Board of Revenue, Lower Provinces,—(No. 247, dated the 14th February 1867.)

SIR,

IN continuation of my letter of the 1st October last, and as directed by your Memorandum No. 122A., dated —— instant, I have the honor to forward herewith a Memorandum prepared as a supplement to the Annual Report already submitted.

2. Lest the Board should think that notwithstanding their orders that I should prepare this Memorandum, I have unnecessarily imposed the duty on Mr. Cockerell, I beg to state that the Memorandum now submitted is based on one prepared by me which at Mr. Cockerell's request I transmitted to him. In doing so, I expressed my inability to discuss several of the cases which had been conducted by him, as fully as appeared to be necessary, and as he has consequently modified my draft very considerably, I have, in compliance with his request, submitted the Memorandum as his.

MEMORANDUM.

IN forty-one cases only, nineteen of which were governed by one decision, the Government failed both in the Court of first instance and in the Appellate Court. Of these two cases have already been noticed in paragraphs 45 and 90 of the Report of last year. In regard to the remainder, the following remarks indicate the circumstances in which the suits were either instituted or defended, and maintained after a first adverse decision.

No. 1.

NORENDRO NARAIN ROY CHOWDRY, *Plaintiff,*

versus

GOVERNMENT AND SEVERAL CHOWKEYDARS, *Defendants.*

THE suit was brought against Government and certain Chowkeydars for the resumption of certain lands held by the latter. The point for decision was whether the lands in question were held for Zemindaree service or for Police and Zemindaree service jointly. The former being the plea of the plaintiff, the latter, that of Government. The Court of first instance decreed the plaintiff's claim, but ordered him to contribute a certain sum for the maintenance of our co-defendants as Chowkeydars. Against this very illogical and impracticable decision, the Government necessarily appealed and it was contended that the Court by its order had clearly admitted the ground upon which the Government claim was based, and was, therefore, not competent to decree any resumption of such service lands by the Zemindar. The Judge, however, found that Government had not established that the land was held on condition of the performance of the joint Zemindaree and Police service and that, therefore, the Zemindar was competent to resume it. The Moonsiff's order was amended and the plaintiff's claim was decreed in full. This decision resting on a question of fact, no special appeal would lie and the remaining eighteen suits in which the same question was involved were compromised.

No. 2.

MAHOMED NADIR ALI, AND OTHERS, *Plaintiffs,*

versus

GOVERNMENT AND ANOTHER, *Defendants.*

THIS case was decided against Government in the Court of first instance, in the Lower Appellate and High Courts, and an application for review of judgment presented to the High Court, was also rejected.

Plaintiffs were found to be under-tenants in an estate purchased by Government in 1836, at a sale for arrears of revenue. They claimed to have held at fixed rates previous to the decennial settlement; but their claims were overruled by the Deputy Collector who, under Regulation 11. of 1819, Section 6, enhanced their rents, a temporary settlement of the estate was, however, made in favor of the plaintiffs, but on the expiry of this lease in consequence of their failure to appear and claim a fresh settlement, the estate was let to Dinobundoo Banerjee, our co-defendant, and held by him for more than a year, without any opposition on the part of the former lessee.

Through some mistake in the Collector's Office our co-defendant was reported to be in arrears and his farm was cancelled, and the estate was then permanently settled with the plaintiffs, the former lessee, but on discovery of the error this settlement was cancelled, previous to its confirmation by the Commissioner, and our co-defendant was re-instated as lessee.

This gave rise to the present litigation, a suit being filed against Government and Dinobundoo Banerjee to establish the proprietory right of the plaintiffs and their possession of the Talook. On behalf of Government, the right to cancel the Talook the fact that plaintiffs' rent was enhanced in 1836, and our right to settle the estate with whomsoever we pleased, were respectively pleaded. The two lower Courts decided in favor of plaintiffs and against Government, on the ground of their rights as holders of the tenure prior to the permanent settlement, and the High Court further held that whatever may have been the right of Government to cancel the undertenure, it was waived when settlement was made with them.

It would seem that in the Court of first instance the fact of the plaintiff not having obtained a re-settlement of the tenure mainly through his own laches in failing to appear and claim a renewal of his lease, and of his further having slept over whatever rights the Court might hold him to possess in the

circumstances of the first settlement, was either not pleaded at all or at least not pressed with sufficient force upon the attention of the Court, as this the main question at issue was ignored in the Court's decision.

In justice to our co-defendant who, by the effect of the decision, was deprived of the benefits of the lease which he had held for more than a year without opposition from the plaintiff in this case, the Government was constrained to appeal though in effect its interests were not materially affected by the decision.

From the judgment of the Appellate Court it is to be inferred that the plaintiff was held to have enjoyed actual uninterrupted possession, notwithstanding the lease to the plaintiffs, and in this view of the case and with the Court's opinion as to the circumstances of the first lease conferring upon the plaintiff a priority of claim to settlement, the further prosecution of the case was deemed unadvisable.

No. 3.

KOMLA KANT MOKOOTY, *Plaintiff*,

versus

GOVENMENT AND OTHERS, *Defendants*.

IN this case Government was unnecessarily made a co-defendant and the Court of first instance ordered it to pay its own costs because there was no necessity for any appearance.

An appeal was filed against this order first in the Zillah Court, and next in the High Court, but without any success; the High Court while admitting the principle asserted in our appeal, held, that under Section 187, Act VIII. of 1859, an award of costs was a matter within the discretion of the Court trying a suit, and that no appeal would lie. An application for review of this judgment was also rejected.

The question involved in these appeals being one of extreme importance to the interests of Government who is necessarily not unfrequently brought into suits between private parties as a *pro forma* defendant; and having at different times evoked conflicting decisions from the different divisional Benches of the High Court has now been brought before the full Bench, and it has been decided that the construction of the Section of the law above cited by which the discretionary power of any Court to award costs has been declared to be final, and not subject to appeal, is erroneous, and that all orders of any Court under this Section are open to revision by the Superior Court.

The award of costs is by no means necessarily a mere matter of routine, in the disposal of which any interference on the part of the Higher Courts is uncalled for: it may involve important considerations, the final adjustment of which it is manifestly inexpedient to leave to the uncontrolled judgment of the Lower Courts, and the Legislature could not in the wording of the Section referred to have contemplated vesting the Lower Courts with the power which was successfully claimed for them in the case under notice.

No. 4.

ODOY CHURN SHAW, *Plaintiff*,

versus

GOVERNMENT, KENARAM PAL AND OTHERS, *Defendants*.

THIS case was instituted for reversal of the sale of 8 annas share of an estate, held for recovery of Income Tax due from the defendant Unnopoona Doye, on the ground of the irregularity of the proceedings.

The plaintiff's ground of action was from the first admitted by the Government and every attempt made to compromise the case by inducing the co-defendant who was the auction purchaser of the property irregularly sold to surrender possession, receiving compensation from Government.

The persistency in the maintenance of the suit to which the Government was an unwilling party, was the act of the co-defendant.

No. 5.

TOKANEE COACHMAN, *Plaintiff,*

versus

GOVERNMENT, *Defendant.*

THE plaintiff claimed some land in the city of Dacca as part of his Lakhiraj ground.

The Government claimed it as belonging to its purchased Mehal and held in possession since settlement of the Mehal by its lessee. The point at issue was solely whether our evidence of title supported by possession was preferable to that produced by that plaintiff, but both Court's decided against Government, and the question involved being one of fact, no Special Appeal would lie.

No. 6.

GOLAM ALLY, *Plaintiffs.*

versus

GOVERNMENT AND OTHERS, *Defendants.*

THE point involved in this case was a simple boundary dispute regarding some land which at the time of the survey was measured with the land of a Government estate.

The plaintiff's claim was partially decreed by the Court of first instance, and on the appeal of Government the case was remanded. On a local investigation it was found that the plaintiff's claim was susceptible of a further reduction. The Court decided in opposition to the results of the local investigation and the case was again appealed on behalf of Government. The Appellate Court confirmed the decision of the Lower Court and the judgment being on a matter of fact was necessarily final.

No. 7.

COLLECTOR OF RUNGPORE, *Plaintiff,*

versus

PROSUNO COOMAR TAGORE, *Defendant.*

THIS suit was instituated to establish the right of Government to the possession of the fisheries of the Berhampooter, a navigable river, but both Courts have decided that, by reason of the Zemindar's possession of the subject of dispute for a period of sixty years, the Government claim was barred. The suit was instituted with the concurrence of the Board of Revenue, and as a tentative measure to bring the claim to such fisheries which the Revenue Officers, acting upon the instructions of the local Government issued in 1859, have in various ways been endeavouring to enforce for the past five years to a final issue, our contention was that, inasmuch as the fishery was in a navigable river, which formed no part of the permanent settlement and which was a public thoroughfare, no exclusive right of property in it could be vested in any individual; that previous to the assertion of its rights over the fishery any person exercising the rights of possession was a mere trespasser, and could not shew good title on the ground of adverse possession antecedent to the period at which the Government asserted its right to the usufruct of the fishery; and that as this period dated from the promulgation of the Government order regarding the assumption of possession of fisheries of navigable rivers, our suit was well within time: the limitation question was decided against us by the Superior Appellate Court, as we were not prepared to shew that we had had possession of the fishery within sixty years of the date of our suit.

It has been determined that it is inexpedient to prosecute the claim any further.

I was not hopeful of succeeding in the prosecution of this claim from the first, but the original orders of Government regarding the resumption of fisheries in navigable rivers seemed to require that the decision of the ultimate Court of Appeal in this country should be obtained on the question of the rights of the State in every form in which they could be prosecuted with any chance of success.

Practically little has been lost by the abandonment of these cases, as in the only instance* in which the right to the fisheries of navigable rivers has been asserted without opposition, the Revenue Officers find it almost impossible to utilize the right through the difficulty of making any settlement which can defend the Government interests in the fisheries against trespassers.

* River Hooghly.

No. 8.

BISSUMBER ROY CHOWDRY, *Plaintiff,*

versus

COLLECTOR OF 24-PERGUNNAHS, *Defendant.*

THE Collector resumed the fishery of the Jomoona river and leased it to one of the co-defendants in this suit. The plaintiff claimed to have been dispossessed of his rights in the Mothoorah Bheel by the acts of the co-defendants, as lessees of the Jumoona fisheries, the judgment of the Court of first instance was in favor of the plaintiff and through an imperfect

disclosure of the facts of the case in the special local investigations which were made subsequent to the decision of the Lower Court, we were led into supporting our lessees in the prosecution of an appeal.

The Appellate Court decided that the Moothoora Bheel formed a part of the plaintiff's estate, and that on the ground of its being included in the fishery of the Jumoona river which passes through the Bheel, he had been improperly dispossessed by the acts of our lessee. Our appeal was, therefore, dismissed. As a decision on a question of fact, this order would necessarily be final. There was no reason moreover to question the substantial justice of the decision.

No. 9.

MOULVEE ABDOOL ALLY, *Plaintiff*,

versus

COLLECTOR OF DACCA, *Defendant*.

KISTO GOPAL ROY, *Plaintiff*,

versus.

COLLECTOR OF DACCA, *Defendant*.

THESE two cases were also for possession of Jalkurs from which the plaintiffs were ousted by the Collector under a summary order of settlement with other parties, and the Government was cast in both Courts.

The cases were carried on apparently without reference to this Office. The High Court having some time previously ruled that fisheries could not be resumed under the provisions of Regulation II. of 1819. Orders had been issued for the abandonment of the defence and compromise, of any suits that might have been instituted to set aside such resumptions.

No. 10.

CHUNDER NATH BOSE, *Plaintiff*,

versus

COLLECTORS OF MYMENSING AND PUBNA, *Defendants*.

THIS case was instituted by the plaintiff against the Collectors of Mymensing and Pubna, in the following circumstances. After its purchase by Government almost the whole of Mehal Koorhee in Pubna, was cut away by the river Jumoona, subsequently the bed of the river was filled up and a great quantity of land in excess of that which had diluviated was resumed by Government under Regulation II. of 1819, under the name of Chur Koorkhee, and settled out separately in twenty-two parcels by the Collectors of Pubna and Mymensing. The plaintiff claimed some of these lands as reformations on the original site of his estate Mouzah Hatail, Chota Rai, &c.

According to the plaintiff's admission even, the Government lessee had been in possession of the land in dispute for more than eleven years, and it was contended on behalf of Government that the plaintiff had never been in possession of the land for which he sued. It was found by the Court of first instance that the land in dispute was an accretion to the plaintiff's estate, and the case was decreed against the decision on this point, and also on the ground of plaintiff's suit being barred by limitation: an appeal was preferred.

The Appellate Court decided against us on both points, and the further prosecution of the case was barred.

The decision rested on a balance of evidence as to the dispossession of the plaintiff and the fact of the disputed land being an accretion to his estate.

No. 11.

MOULVEE MAHOMED NAZIM KHAN, *Plaintiff*,

versus

GOVERNMENT AND OTHERS, *Defendants*.

OOPRENATH SHAHA AND OTHERS, *Plaintiffs*,

versus

GOVERNMENT AND OTHERS, *Defendants*.

THESE two suits were instituted by the plaintiffs to establish their respective right to certain lands as belonging to their settled estates, which the survey authorities have declared to be "izad" or excess lands, not forming part of any permanently settled estate.

The cases were first decided in favor of the plaintiff and this decision was reversed by the District Appellate Court. On the plaintiff's special appeal the cases were remanded for further investigation and have now been decided in the plaintiff's favor; the question involved was whether the land claimed formed part of the land declared by the survey authorities to be excluded from the original settlement or belonged to the plaintiff's estate; the decision on this issue being against us, the decree in the plaintiff's favor necessarily became final.

No. 12.

BUDDUN CHUNDER GHOSE, *Plaintiff*,

versus.

MAGISTRATE OF HOOGHLY, *Defendant*.

THIS case was instituted to recover possession of some land together with the value of the trees which stood thereon, the latter having been uprooted by the Cyclone of 1864, and sold by the Magistrate, as the property of Government.

The point at issue was whether the land at the side of the road on which the trees stood, was the property of Government or form the part of the plaintiff's Zemindaree.

The Moonsiff held that one tree only stood on ground included in the plaintiff's holding, that the site of the remainder appertained to a public road and that the value of those trees, therefore, was not justly claimable by the plaintiff; against this decision the plaintiff appealed, and on the papers being submitted to me I pointed out that the real question at issue was whether the road on the sides of which these trees stood was a public road, the possession of the land appertaining to which was vested in the Government and this would of course depend upon the manner in which the ground had been originally appropriated to the road, or whether it was a mere right of way vested in the public by long usage.

The Appellate Court took this view of the case and holding that the road in question was a mere easement on the estate of which plaintiffs were part lease-holders, decided that the trees did belong to the plaintiffs and their value was consequently propefly recoverable by them.

No. 13.

KOOLO CHUNDER DUTT, *Plaintiff*,

versus

COLLECTOR OF BULLOOAH AND OTHERS, *Defendants*.

IN this case, as in the case No. 3, the Government was merely a *pro formâ* defendant, and was refused its own costs. The Zillah Judge, to whom an appeal was made, acting on certain previous decisions of the High Court, held that no appeal would lie in the matter of an award of costs. As remarked in the case above referred to, this question of appellate jurisdiction in the matter of awards of costs has been now definitely settled by a Full Bench of the High Court.

No. 14.

1. HURDEYNARAIN AND OTHERS, ..
2. LALLJEE AND OTHERS, ..
3. DEOMOORUT PUNDITINE, ..
4. KASHEE DUTT, ..

Plaintiffs,

versus

GOVERNMENT, ... *Defendant*.

THESE cases had reference to lands which had by gradual accretion extending over a period of several years, formed as increments to the Government estate Bhowanundpore, and were in the possession of the Government lessees of that estate. The plaintiffs claimed the disputed lands as re-formations now attached, by an alteration in the channel of the river, to their estates, from which they had previously diluviated.

The River Ganges which formed originally the boundary between the plaintiff's estates on its north bank, and the Government estate on its south, had by northward encroachments caused considerable increments to accrue to the Government estate on its south bank, and these accretions formed the subject of settlement from time to time by the Revenue Officers which had the effect of of annexing this land to the Government estate. In 1858 the river again shifted its course and diveraged southwards, transferring the land which forms the subject of the present suits to its north bank. The plaintiffs claim to recover was opposed in the Court of first instance, mainly on the ground of the river in its latest alteration of course having diverged suddenly without disturbing the identity of the land transferred by its divergence to its northern bank. This plea being ill-supported by evidence was overruled, and the lands in dispute were decreed to the plaintiffs as a re-formation. The Government appealed on the ground that even if its right to retain possession of the land by reason of its uninterrupted identity was not held to be established, the plaintiffs claim to recover must fail under the precedent of the ruling in the case of Kallee Monee Dassee, appellant, inasmuch as the retention of ownership in the original site is necessary to constitute a fair title to re-formations of previously diluviated land; whereas in the present cases it was admitted on the plaintiffs' side that the estate to which these lands were said to have originally appertained had been entirely removed by the previous alteration in the course of the river,

This contention was successful in regard to the cases of plaintiffs 3 and 4; but in those of plaintiffs 1 and 2, it was found on further enquiry that the original estates had not entirely diluviated, and hence the claim to recover the subject of suit as re-formations was good, and the suits were finally decided in their favor.

Government Pleaders

The following changes have taken place in the appointment of Government Pleaders during the year :—

Baboo Kisto Loll Mojoomdar was appointed Government Pleader at Maldah, in the room of Baboo Anund Mohun Mojoomdar, dismissed

Baboo Bhyrub Chunder Banerjee at Rajshahye, in the room of Baboo Juggobundoo Roy, deceased

Baboo Gonesh Chunder Gangooly at Sylhet, in the room of Baboo Shib Pershad Mitter, resigned.

Mr J Baptist at Bhaugulpore, in the room of Baboo Girdharee Loll, deceased, and Baboo Omesh Chunder Sircar at Gya, in the room of Moonshee Hossein Buksh, deceased

The Government Pleaders have generally performed their duties in a satisfactory manner, those deserving of especial mention are—

Baboo Hurreehur Mookerjee of Bancoorah
" Hungeshwur Mookerjee of Maunbhoom
" Omesh Chunder Sircar of Gya.
Mr J Baptist of Bhaugulpore

It has been found necessary to insist upon Moonshee Keramut Ally, Government Pleader at Beerbhoom, resigning his post on the ground of general inefficiency arising apparently from failure of health

The conduct of the Government Pleader of Patna, Thakoor Pershad, in the general discharge of his duties has been unfavorably noticed during the year

The discharge of their duty by the several Collectors in the preparation of the information as to the facts required for the conduct of suits to which Government was a party during the period under review has been satisfactory

F R. COCKERELL,
Supdt and Remembrancer of Legal Affairs.

No. 1841.

FROM A. MACKENZIE, ESQ.,

Under-Secretary to the Govt. of Bengal,

TO THE OFFG. SECY. TO THE BOARD OF REVENUE, L. P.

Fort William, the 26th March 1867.

JUDICIAL.

SIR,

I AM directed to acknowledge the receipt of your letter No. 785*A.*, dated the 4th instant, submitting the explanatory notes furnished by the Superintendent and Remembrancer of Legal Affairs in connection with his Annual Report for 1865-66, and in reply I am to communicate the following observations and orders of the Lieutenant-Governor thereon.

2. The comparative table, annexed to your first letter No. 121*A.*, dated the 12th January last, shows that (save in summary appeals) the results in cases where the Courts were set in motion by the Government itself either as plaintiff or appellant, were much less favorable in the year under review than in that preceding. In special appeals the falling off is, His Honor observes, particularly marked, and seems to evince a want of careful consideration of the law on the part of the Government Officers.

3. In cases defended by Government the results are somewhat more favorable, though even here, under original suits, a great falling off is to be observed. Under the explanation given by Mr. Cockerell, the number of cases in which Government failed in both the Lower and Appellate Courts is not so serious as it otherwise would appear to be.

4. The Lieutenant-Governor notices that the amount expended in litigation during the year is far in excess of the amount realised under decrees of Court, while the outstanding balances due to Government are but very slightly lower than in the previous year.

5. I am to point out that the explanation called for in regard to these balances in the letter from this Office No. 6690, dated 28th November last, paragraph 2, has not yet been submitted. The Legal Remembrancer's attention should be called to this omission, and he should now be requested to submit at an early date the report above referred to, and to state what steps he proposes to take for reducing the amount of the balances, which have risen from Rupees 1,07,089 in 1863-64 to Rupees 2,27,830 in 1865-66.

6. His Honor notices with satisfaction the important ruling of the High Court in the matter of costs referred to in the Legal Remembrancer's remarks on case No. 3.

7. Orders from the Revenue Department of this Office will be communicated to you regarding the abandonment of all cases, which may have been instituted for the resumption of ferries in navigable rivers.

8. His Honor is pleased to observe the favorable testimony borne to the services of the Government Pleaders named in the margin.

Baboo Hurrechur Mookerjee, Bancoorah
" Hunseshwur Mookerjee, Maunbhoom.
" Omesh Chunder Sircar, Gyah.
Mr J Baptist, Bhaugulpore

9. In conclusion I am to say, that it is satisfactory to note the increased care and attention given by Collectors to the preparation of the facts of cases pending before the Courts.

I have the honor to be,

SIR,

Your most obedient Servant,

(Sd.) A. MACKENZIE,

Under-Secretary to the Govt. of Bengal.

No. 1842.

EXTRACT from the remarks of the Legal Remembrancer on case No. 7, and paragraph 7 of this letter, forwarded to the Revenue Department of this Office for the issue of the necesary orders.

FORT WILLIAM,
The 26th March 1867.

A. MACKENZIE,
Under-Secretary to the Government of Bengal.

Exd. H P. V.

REPORT

BENGAL SECRETARIAT LIBRARY.

THE LEGAL AFFAIRS

OF THE

BENGAL GOVERNMENT,

FOR THE

YEAR 1866-67.

Calcutta:

PRINTED AT THE BENGAL SECRETARIAT OFFICE.

1867.

No. 5518B.

FROM T. B. LANE, ESQ.,

Secretary to the Board of Revenue, L. P.,

TO THE SECRETARY TO THE GOVERNMENT OF BENGAL.

Fort William, the 2nd October 1867.

LAND REVENUE.
(Miscellaneous)

SIR,

I AM directed by the Board of Revenue to submit copy of a Report from the Superintendent and Remembrancer of Legal Affairs, dated 30th ultimo, together with the Statements which accompanied it, relative to the legal affairs of the Lower Provinces for the past year 1866-67.

A GROTE, and V H. SCHALCH } ESQRS.

2. The results of the litigation in which Government was concerned during the year under review and the last preceding year, as shewn in the comparative Statement appended to paragraph 8 of the Report, are less favorable in original suits and summary appeals; the number of these latter cases, however, is very small altogether.

3. Special measures have been adopted for the realization of the heavy balances due to Government in the Salt Department, alluded to in paragraph 11. In November last the Board sanctioned the appointment of a Special Officer to collect these balances, with a payment of commission of 20 per cent on all sums realized from the Salt Molunghees of the 24-Pergunnahs; and subsequently they directed that a competent Deputy Collector should be selected to overlook the proceedings. The Commissioner was also desired to make it generally known that the Board are prepared to abandon all claims to interest when the principal is paid or arrangements made for paying by instalments, and this may induce several of the debtors to adjust the balances due by them. The whole amount entered here as irrecoverable was remitted by Government, but under Government order No. 2502, dated the 18th June 1863, the Board have retained it on the accounts pending the above proceedings.

4. The course taken by the Board with regard to the outstanding decree balances was reported in my letter No. 4263B., dated 3rd ultimo, and in their Circular Order No. 4 of last month the Board have issued special instructions

to local Officers on this subject and have called for Monthly Returns of the amount of Government decrees recovered.

5. The suit referred to in paragraphs 37, 38 and 53 of the Superintendent and Legal Remembrancer's letter was specially reported to the Board for orders, whether an appeal to the Privy Council should be preferred. The Board, however, found no sufficient grounds for appealing, and further remarked as follows:—

"The sixth issue of the Principal Sudder Ameen is to the effect whether or not Plaintiff Government is entitled "to the possession of the land in dispute. Now, that right is claimed under Section 4, Clause 3 of Act XI. of 1825 on the ground of intervening channel being fordable. Therefore, the whole basis of the claim of Government is that the channel is or was fordable, and clearly this issue necessitated the Government bringing forward evidence to prove the primary point."

"The Government appear at first to have brought forward no evidence to this fact, under the impression probably that the Principal Sudder Ameen had, by his visit to the spot, sufficiently satisfied himself of the fact. On remand, however, Government did bring forward three witnesses, but instead of bringing forward the best evidence which it would appear it was clearly in their power to have done, the evidence produced was of such a character that it was unhesitatingly rejected by the Court."

"Now, in appealing to the Privy Council, we should be doing exactly what Mr. Justice Macpherson says, *viz.*, asking him to re-open the case to cover our own lachês, and the Board do not entertain any hope of success. It is true that the Principal Sudder Ameen declares the channel to be fordable, but he bases his assertion on a mere conversation with the Cantonment Joint-Magistrate; and this the High Court evidently put aside as no evidence."

"The Board attach little weight to the second point raised in regard to the precedents, because Government have failed to prove that the channel was fordable at any time."

"Under the circumstances the Board fear that they must accept their defeat; but it nevertheless appears to them that Government has suffered a very considerable loss owing to the extremely neglectful manner in which the case was conducted by the Government Officers. They both failed to adduce evidence on the most important point, and also when they had subsequently an opportunity afforded them on the remand of correcting their error, they brought forward insufficient evidence when it lay in their power to have come into Court with evidence which would have been conclusive."

6. It has been, however, pointed out to the Commissioner of Patna that, whilst the decision now passed by the High Court has deprived Government of the proprietary title to the chur, the lands are still assessable under Act IX. of 1847, and should be settled with those in present possession. The Commissioners

of Burdwan and Patna have also been directed to submit a report with reference to the Legal Remembrancer's remarks adverse to the Government Pleaders of Midnapore and Patna.

7. In connection with the case of Government *versus* Gudhadhur Banerjee, the Board have approved the Legal Remembrancer's suggestion that the Government suit be reinstituted in the distinct form of an action for the reinstatement of a Ghatwal in possession of the mouzah, as a ghatwallee tenure is liable to be appropriated to the use of the Ghatwal for the time being.

8. Mr. Prinsep officiated as Superintendent and Remembrancer of Legal Affairs during the greater portion of the year under review and discharged the important duties of that office in an efficient and creditable manner. Mr. Cockerell was in charge of the Office from 1st to 8th May and from 4th to 31st March only.

9. The Board have observed with pleasure the favorable mention made by Mr. Prinsep of Mr. Reynolds, Collector of Mymensingh, in his conduct of suits in which Government or the Court of Wards were concerned.

I have the honor to be,

SIR,

Your most obedient Servant,

T. B. LANE,

Secretary.

From F. R. Cockerell, Esq., Superintendent and Remembrancer of Legal Affairs, to the Secretary to the Board of Revenue, Lower Provinces,—(dated the 30th August 1867.)

Sir,

I have the honor to submit the accompanying Report on the legal affairs of the Bengal Presidency from 1st May 1866 to 31st March 1867.

2. I was in charge of this Office from 1st to 8th May and from 4th to 31st March only; during the remainder of the period to which this report has reference, the duties of Legal Remembrancer were conducted by Mr. H. T. Prinsep.

3. The total number of suits pending on the 1st May 1866 was 479, of which 343 were original suits and 136 were appealed suits. From 1st May 1866 to 31st March 1867 322 suits were instituted in the Courts of first instance and 187 in the Appellate Courts; total 509, shewing an aggregate of 665 original suits and 323 appeals, grand total 988.

4. Of the original suits 185 were decided in favor of Government, 40 were compromised and 120 were decided against Government; total decided 345, pending 320. Of the 120 adverse decisions, 26 were appealed on behalf of Government and in 8 cases the decisions of the Lower Courts have been reversed, the actual number lost being 112.

5. Of the latter cases, 49 related to Chakran lands, or lands assumed to be held by village watchmen in lieu of wages for Police service. The zemindars within whose estates these tenures are situated sued for a declaration of their title to resume the land as forming part of their permanently-settled estates and having been originally assigned to the tenants in remuneration for certain zemindary duties performed by them, which service it was alleged they were no longer willing to render. The Government was made a party to these suits, but they were all decided either *ex parte* or on the principal defendants. The holders of the lands in question confessing judgment.

6. Of the appeals, 185 cases were decided in favor of Government, 29 against it, and 13 cases were remanded for re-trial; total decided 227, pending 96. The total number of judgments favorable to Government is 370, against 149 adverse decisions, and the number of cases pending on the 31st March 1867 was 416.

7. In 9 cases the Government failed both in the Court of first instance and on appeal; of these, 4 involved merely questions of fact not admitting of special appeal, and 2 were governed by a ruling of the High Court passed subsequently to the institution of the appeal.

8. The following table gives a comparative view of the results of the litigation in which Government was concerned during the year under review and the last preceding year:—

	1865-66																													
	Government—Plaintiff or Appellant						Government—Defendant or Respondent						1866-67																	
	Total number of cases pending	Decided in favor of Government	Decided against Government	Total decided	Percentage of cases decided in favor of Government	Percentage of cases decided against Government	Total number of cases pending	Decided in favor of Government	Decided against Government	Total decided	Percentage of cases decided in favor of Government	Percentage of cases decided against Government	Total number of cases pending	Decided in favor of Government	Decided against Government	Total decided	Percentage of cases decided in favor of Government	Percentage of cases decided against Government	Total number of cases pending	Decided in favor of Government	Decided against Government	Total decided	Percentage of cases decided in favor of Government	Percentage of cases decided against Government
Original Suits ...	51	35	8	43	81¼	18¾	697	254	108	362	70	30	32	18	6	24	75	25	633	167	114	281	59¾	40¼
Regular Appeals ..	80	38	39	77	49½	50½	27	308	98	406	75¾	24¼	53	15	9	24	62½	37½	159	86	13	99	86¾	13¼
Special Appeals ...	16	5	9	14	35¾	64¼	155	48	44	92	52¼	47¾	3	1	2	3	33¼	66¾	96	70	2	72	97¼	2¾
Summary Appeals	3	2		2	100		8	5	2	7	71¼	28¼	4	1	2	3	33¼	66¾	8	2	1	3	66¾	33¼

9. The amount expended in litigation during the year is Rs. 45,712 in the Land Revenue Department and Rs. 418 in the Salt and Opium Departments, total Rs. 46,130.

10. The amount realized under decrees of Court was Rs. 57,999 in the Land Revenue Department and Rs. 665 in the Salt and Opium Departments, total Rs. 58,664.

11. The outstanding balances due to Government are as under :—

		Rs.
Revenue decrees	... ...	82,742
Salt ditto	... ...	68,666
Opium ditto	... ...	2,808
	Total ...	1,54,216

Shewing an improvement on the previous year's returns in this respect but still a somewhat unsatisfactory result. The heavy balances in the Salt Department exhibited in the returns of the last two years are entirely due from persons to whom large advances were made for salt manufacturing purposes in the 24-Pergunnahs; the advances were made apparently without any security for their recovery, and in most cases the decrees which have been obtained against the defaulters cannot be executed. I would recommend that the Collector should depute some special Officer to enquire fully into the circumstances of the several judgment-debtors, with the view to measures being taken for the complete adjustment of the balances either by striking them off as irrecoverable, where it is found impossible to realize any thing, or by proceeding to the sale of the judgments-debtors' effects, where any are forthcoming, in execution of the decrees.

12. The retention of this large amount, the greater part of which is probably wholly irrecoverable, in the Annual Statement of outstanding balances, seems to be unadvisable, as it tends to lead to a wrong impression in regard to the actual results of the current litigation in which the Government is concerned.

13. The revenue decree balances are also much larger than they ought to be. A separate report on this subject has been submitted to the Board, and it has been suggested that the Collector should be held no less responsible for the speedy realization of the dues of Government accruing from decrees awarded in its favor than they are by the strictly enforced rules of the department for the prompt satisfaction of the demands of Government on account of arrears of assessed revenue.

14. Of the cases which have been finally adjudicated during the year, the following seem to call for special notice :—

Government,

versus

Rai Mohun Hazra.

15. This was a suit to recover the balance of the amount which the defendant had contracted to pay for the farm of the navigation tolls leviable from boats frequenting the Gyeghatta Canal. The defendant's lease was to extend from the 1st February 1862 to 30th April 1863, and the conditions of it were that, for the power of exclusively levying the tolls, chargeable at the rates fixed by Government during this period, he was to pay Rs. 6,400 in five equal instalments; that the instalments were to be due on the 1st days of February, June, August and October 1862 and January 1863, respectively, and that if the lessee made

default in the payment of any instalment on the date on which it became due, the lease was to be considered as cancelled immediately on such default, and the Government Officer was to have the power of taking the toll collections into his own hands, any sum previously paid by the lessee being forfeited to Government.

16. The defendant failed to pay the instalment due on the 1st January 1863, and on the 8th February, the amount then over due being still unpaid, the Government Officer assumed the collection of the tolls and continued to levy the same throughout the remaining period of the defendant's lease.

17. The amount so realized being insufficient to liquidate the unpaid instalment, this suit was brought for the recovery of the balance. The Court of first instance decided that the effect of the condition of the lease, by which the lessor acquired the right of resuming the collections in the event of any default on the part of the lessee in the payment of the instalments on the dates on which they became due, was to make the contract between the parties to the lease void from the date of the default, and that the lessor's resumption of the collections freed the lessee from all further obligation in respect of his lease from the date on which it took place; but that as the lessee remained in possession of the exclusive right of levying tolls up to the 8th February, he was liable to the lessor for such amount as, in the equal distribution of the several instalments to be paid over the fifteen months for which the lease was to have effect, would represent a due proportion for the one month and eight days during which he continued to retain such possession subsequently to his default in the payment of the instalment due on the 1st January 1863.

18. The Lower Appellate Court, adopting this mode of calculation of the amount due as rent for any portion of the lease, considered that the effect of the first Court's decretal order was to award to the plaintiff a double rent for the month of January 1863, inasmuch as the single unpaid instalment represented only the rent due to the lessor from 1st February to 30th April 1863, and consequently the rent for January had been included in the previously paid instalment. In modification of the first Court's decree therefore a proportionate amount as rent for the defendant's continuing usufruct of the lease for part of the month of February only was awarded to the plaintiff.

19. Against this decision the Government preferred a special appeal to the High Court on the contention that those judgments rested upon a misconstruction of the legal effect of the condition of the lease in regard to the resumption of the toll collections, arguing that it was merely intended to give an additional security for the realization of the amount which the lessee had contracted to pay, and that his liability to make good that amount was in no way affected by it.

20. It was further contended that the mode of distribution of the instalments adopted by the Lower Courts for the purpose of calculating the proportionate amount of rent payable by the lessee for any portion of the term of his lease was at variance with the principle of the conditions of the lease in that respect, as they provided for the payment in advance of instalments of equal amount at unequal intervals. This provision, it was urged manifestly, contemplated the probability of the toll collections varying at different seasons, and regulated the lessee's payments accordingly, hence the Court's assessment of the rent in equal proportions on the entire period over which the lease extended was manifestly inequitable.

21. The High Court held that the condition of the lease which provided for the forfeiture of any money paid in advance by the lessee previous to the resumption of the toll collections by the Government necessarily contemplated the complete termination of the obligations of both parties to the contract from the time of such resumption taking effect and rejected the appeal.

22. It would appear that the proper application of this ruling on the legal question involved to the circumstances of the case should have led to the disallowance even of the small amount decreed to the plaintiff by the lower Court, whilst the legitimate operation of the principle affirmed in the decision of the latter would have been the award to Government of an amount bearing the same proportion to the unpaid instalment as the period during which the lessee continued to levy tolls subsequent to the date of his default bore to the unexpired portion of the lease at the time when that instalment became due.

Romanath Tagore,

versus

Government.

23. In this suit compensation was sought by the plaintiff for loss alleged to have been sustained by him through a ferry, which had previously been under his control, having been declared public under the provisions of Regulation VI. of 1819.

24. The case involved a rather important question of law, *viz.*, whether the provisions of that enactment barred all interference by the Civil Courts in the matter of claims of this kind. It was contended on the part of Government that the suit would not lie, as the Regulation in question had for its object the vesting in the Government not only power to remove from the control of private persons such ferries as were made use of for the purpose of crossing rivers which intersected any public road for the public benefit and convenience, but also the authority to deal with the rights of the parties dispossessed of such ferries the channel through which their claims were to be brought forward and determined being clearly expressed in its provisions.

25. The judgment of the Lower Appellate Court was adverse to the Government, and the latter brought the case in special appeal before the High Court. The Judges of the Divisional Bench by whom the appeal was heard were disposed to think that the Civil Courts had jurisdiction in the matter of the plaintiff's claim; but as this determination conflicted with a former judgment of the late Sudder Court in a somewhat similar case, and the legal question involved was admitted to be of some importance, the case was referred to a full Bench.

26. The final judgment of the Court was in favor of Government, it being held that the specific provisions of Regulation VI. of 1819 in regard to the award of compensation removed claims to such compensation from the jurisdiction of the ordinary Courts, inasmuch as, where the legislature creates an obligation to be enforced in a specific manner, it is admitted, as a general rule, that its performance cannot be enforced in any other way.

The Collector of Monghyr on behalf of Manickram and Saligram,

versus

Rughoobur Dayal Singh and Gowreenath, &c.

27. The Collector, on behalf of Manickram and Saligram, two lunatics, the charge of whose property had been vested in him by the order of the Civil Court under the provisions of Act XXXV. of 1858, sued to set aside certain alienations of the lunatics interest in their ancestral estates which had been made or allowed by their brother, Rughoobur Dayal Singh, as manager of the property on their joint behalf, and to which it was alleged that the lunatics were legally disqualified to give their assent.

28. These alienations consisted of—

1*st*.—The surrender under an award by arbitration of a one-fourth share of the Gudhee Sumreeah Estate to Nindhoo Coomaree and Aujoodhya Bebee, near female relatives, who had claimed a share of the ancestral property by right of inheritance.

2*nd*.—The sale by Rughoobur Singh of one-half of their joint interest in the remainder of that Estate.

3*rd*.—The mortgage with conditions of foreclosure subsequently enforced by the mortgagee of their entire joint-interest in the Bagh Kunkur Estate.

29. The material question of law raised in this suit was whether, in the circumstances of the case, these transactions were binding on the lunatics, assuming them to have been by reason of their idiotcy or other disqualifying cause legally incompetent to act in the disposal, of ancestral property.

30. The Lower Court, as regards the 1st and 3rd of these alienations decree the plaintiff's claim, but in regard to the 2nd, held that, inasmuch as the sale of the moiety of the estate was effected to meet a pressing debt for which the joint property of the lunatics and their brother was legally liable, the latter as manager did not, in selling it, act without a fair semblance of legal authority, hence the co-defendant was justified in purchasing from the first defendant, and the sale could not be set aside.

31. The High Court on appeal ruled that, as Manickram was an idiot from his birth, he was by the Hindoo law excluded from all participation in the inheritance of ancestral property, and finding, as a fact, that Saligram was at the time of the arbitration award not of unsound mind, determined that there was no impediment to the legality of that award. The Court held also that, although Manickram was by reason of his idiotcy from his birth legally incapacitated from inheriting ancestral property, he was not disqualified for holding whatever was conveyed to him during his lunacy; hence, as a result of the legality of the arbitration award, he was entitled to the one-fourth share of the joint-property which it assigned to him.

32. As regards the 2nd subject of suit, the High Court confirmed the decision of the Lower Court, holding that, although the Hindoo law does not in express terms authorize the manager of the property of lunatics to alienate a portion of such property in any circumstances, yet it, by the inference to be drawn from its precepts in paralell cases, may be said to sanction such alienation in the special circumstances in which this sale was made.

33. As regards the 3rd alienation, the High Court reversed the decision of the Lower Court, on the ground that one of the lunatics had no share in the inheritance, hence his sanction to the transaction by which the separate Estate of Bagh Kunkur was mortgaged was not needed, and that the other lunatic was sane at the time of this mortgage and assented to the transaction.

The Collector of Rungpore, Petitioner.

34. This was an application by the Collector to the Civil Court for the reconsideration and cancelment of its order, directing the disbursement of the surplus proceeds of an estate attached under the provisions of Section 26, Regulation V. of 1812, and the management of which had been committed to the Collector under Regulation V. of 1827. It was contended

by the superior Revenue Authorities that the provisions of these Regulations authorized no interference by the Civil Court with the management of the estates so attached, and that the issue of any order regarding the disposal of the surplus proceeds constituted an authorized interference with the Collector's management. It was argued that the object of the law was to bring about a settlement of the disputes amongst shareholders of joint undivided estates by depriving them of the possession of their estates whilst their quarrels continued, and that this object would be defeated if the full benefits of their property were secured to them by allowing them to appropriate to their own use its entire surplus proceeds. The Court declined to accede to the Collector's application, and the matter was, by orders of the Board of Revenue, brought before the High Court in a special appeal against the Judge's orders.

35. The question raised in this appeal was referred to a full Bench, and it was determined that the order of the Civil Court regarding the disposal of the surplus proceeds of the attached estate was not beyond its jurisdiction, the Court observing that, although in the provisions of Regulation V. of 1812 no express authority was given to the Judge in this matter, he would, by the general terms of the law, have power to control the receiver, who, under that Regulation, was appointed by the Civil Court to manage an attached estate, by directing him as to the disposal of its surplus proceeds after paying the Government revenue, and providing for the improvement of the estate, as it could not have been intended that he should retain in his hands any proceeds regarding the disposal of which he was not subject to the control of the Judge by whom he was appointed. By Regulation V. of 1827 the management of attached estates was transferred to Collectors without prejudice to the supervising authority of the Court by which the attachment was made. If the views of the Revenue Authorities were to be acted upon, and the Judge's jurisdiction in regard to the disposal of the proceeds of attached estates was barred, their proprietors, as long as their disputes continued, might be left to starve or might be compelled to borrow money at a high rate of interest for the maintenance of themselves and their families, whilst the surplus profits of the estate were accumulating, without any advantage to them, in the Collector's Treasury.

36. Regarding other cases calling for notice decided during the year, as well as the Collectors and Government Pleaders who have, been concerned in the conduct of suits, Mr. Prinsep has recorded the following :—

MEMORANDUM BY MR. PRINSEP.

Government, Plaintiff,

versus

Anwar Ally and others, Defendants.

37. This case was instituted by Government for possession of alluvial lands as accretions to its estates called Cantonment Dinapore, Daoodpore, Bahadoor, and Furreedunpore. The Court of first instance decided in favor of Government, but the High Court on regular appeal dismissed the case. Its judgment concluded in the following terms :—

38. "The Government has come into Court without a tittle of evidence. The three witnesses examined on the part of Government contradict each other and have not been questioned as to the state of the intermediate stream. The claim on the part of Government has been placed before the Court most inefficiently and is supported by no reliable evidence; and if the Government interests suffer in this case, the loss must be attributed to its proper cause, *viz.*, the slovenly manner in which the case was brought before the first Court by the Government Officers who had charge of the case."

Hem Chunder Sen (Plaintiff) Appellant,

versus

Government (Defendant) Respondent.

39. This was a suit between a late Overseer of the Department of Public Works and the Executive Engineer of the Patna Branch Road to contest certain balances said to be due, in satisfaction of which a Government Promissory Note pledged as security had been sold.

40. The Court of first instance allowed the claims of Government, except as regarded some insignificant items amounting to Rs. 9-8; but the High Court on regular appeal held that balances amounting to Rs. 280-2-3 were not recoverable from the (Plaintiff) Appellant, but from others connected with the Department of Public Works, and accordingly gave a decree for that sum.

Government (Defendant) Appellant,

versus

Nufferkhan and others Respondents.

41. Certain lands were sold in execution of a decree against a Ghatwal of Maunbhoom. The purchaser sued for possession on the ground that he was illegally ejected by the Ghatwal. Finding that from collusion between the Ghatwal and the plaintiff the service lands were likely to be lost the Government intervened.

42. The Lower Appellate Court reversing the order of the Court of first instance gave a decree to the plaintiff, against which a special appeal was preferred by Government. The High Court, however, dismissed the special appeal on the ground that the remedy of Government lay in a regular suit and that as an intervener Government could not ask the Court to declare that the sale was collusive and illegal. A suit has since been filed and is now pending.

Muddoosoodun Mookerjee and others,

versus

Government.

43. A zemindar sued Government and a chowkeedar for possession of certain land which, in defending the suit, was claimed to be chowkeedaree chakeran land. The suit was contested by Government up to special appeal but was lost. The zemindar then demanded mesne profits from the Government as well as from the chowkeedar. The Court of first instance and the Lower Appellate Court gave a decree against the chowkeedar *only*, exempting Government, but in special appeal the High Court held that Government was jointly liable, for inasmuch as the decree for possession was joint against Government that for mesne profits must follow, and because Government had contested the zemindar's right to the land up to the highest Court and had thus kept him out of possession of the same.

44. An application for review of this judgment was made. It was contended that the Government had acted *bonâ fide* on public grounds that it had realized no profit from the land in dispute, and that therefore it was not liable for mesne profits. The High Court however, refused to review their former order.

Guddadhur Banerjee (Defendant) Appellant,

versus

Government (Plaintiff) Respondent.

45. In this case Government sued for possession of certain lands as ghatwallee lands and for reversal of a collusive decree given against the Ghatwal in a suit between him and the zemindar. In the Court of first instance the Government obtained a decree, but the High Court dismissed the suit on the ground that it was wrongly laid, since even if the Government were to establish the fact that the lands in dispute were ghatwallee lands, it could not claim possession but only service from the occupant.

Benode Ram Sein,

versus

Court of Wards.

46. In this case it has been held that a ghatwallee tenure in Beerbhoom is not liable for the debts of the deceased Ghatwal, and that each successive Ghatwal is entitled to the whole income of the estate in remuneration for his service. The principle thus laid down is most important to Government in preserving these tenures and will doubtless prevent much litigation.

47. Of the Government Pleaders, those deserving of especial mention are—

Baboo Hurrechur Mookerjee, of Bancoorah.

Baboo Sushee Boosun Mookerjee, of Beerbhoom.

Baboo Motee Lall Chowdry, of Burdwan.

Mr. J. Baptist, of Bhaugulpore.

Baboo Omesh Chunder Sircar, of Gya.

Baboo Hungsheshur Mookerjee, of Maunbhoom. All these have given me entire satisfaction.

48. Baboos Chunder Nath Mookerjee and Issan Chunder Mitter, Government Pleaders, respectively, of 24-Pergunnahs and Hooghly, are efficient and very intelligent Officers, but their practice interferes very considerably with their official duties, and I am therefore unable to record my entire satisfaction with their work.

49. Baboo Chunder Nath Deb, Government Pleader of Midnapore, is very careless and inclined to neglect his work. I have had occasion to find fault with him, and believe that the Collector is not altogether satisfied with the manner in which he conducts his duties.

50. Munshi Thacoor Pershad, Government Pleader of Patna, has failed to give me satisfaction. As far as I have been able to judge I believe that he is inefficient. His capacity has more than once been questioned, but he has still managed to retain his office. It is in my opinion highly desirable that the Government should employ another Pleader in his place.

51. Of the Collectors my special acknowledgments are due to Mr. Reynolds, Collector of Mymensing, on whom devolved the conduct of by far the largest portion of the suits in which Government or the Court of Wards were concerned. His reports were always most careful and concise, and his statement of the facts of each case was most clear and reliable.

(Sd.) H. T. PRINSEP.

52. The Dinapore chur case (Government *versus* Anwar Ally) referred to in the above Memorandum was again brought before the High Court through an application for review of judgment. The application was heard, but the Court declined to alter its previous judgment, holding that the Government was necessarily bound to shew that the alluvial land was at the time at which it was claimed by Government and also at the period of its original formation claimable as an increment to the Government estate under the conditions laid down in Clause 3, Section, 4, Regulation XI. of 1825. That as the evidence adduced by Government at the hearing of the case both in the first instance and upon remand was insufficient to establish clearly the state of the branch of the river intervening between the land in dispute and the Government estate both at the time when the suit was heard and when the alluvian first formed, the conditions under which alone it could be claimed as an increment were not shewn to exist, hence the suit must fail.

53. A separate report on the result of this case, with my opinion in regard to the responsibility of the local Officers for the omission to produce proper evidence, has been already submitted to the Board, and the Government Pleader of the Patna District, who had charge of the case in the Court of first instance, has since been superseded.

54. The case of Government *versus* Guddadhur Banerjee has also been separately reported by me to the Board, and under their directions a fresh case has been instituted to assert the public lien on the Mouzah Korinjora, improperly seized by the zemindar of Chatna, as a ghatwallee tenure appropriated to the maintenance of Police from a period prior to 1215 *B. S*=1808 *A. D.*

A.

STATEMENT FOR THE YEAR 1866-67.

CASES instituted to establish some substantial right.

1	2						3						4					
	Suits to establish a title to hold land rent-free or at a fixed assessment.						Suits for land, or for the rent of land arising out of Settlement Proceedings.						Suits to establish a title to engage for lands under Settlement.					
	Total.	Decisions. Favorable.		Decisions. Unfavorable.		Pending.	Total.	Decisions. Favorable.		Decisions. Unfavorable.		Pending.	Total.	Decisions. Favorable.		Decisions. Unfavorable.		Pending.
	No.	No.	Rs. As. P.	No.	Rs. As. P.	No. Rs. As. P.	No.	No.	Rs. As. P.	No.	Rs. As. P.	No. Rs. As. P.	No.	No.	Rs. As. P.	No.	Rs. As. P.	No. Rs. As. P.
High Court Appeals	...	...	.....	...	.....	... .	4	3	3,225 14 0	...	.....	1 99,000 0 0	2	2	966 8 0	...	.....	... .
Zillah Appeals	...	...	.....	...	.....	... .	1	1	271 4 0	...	.....	... .	5	1	3 0 0	2	494 4 0	2 2,921 8 0
Original Suits	1	...	.....	...	.....	1 2,250 0 0	9	3	1,982 0 0	1	150 0 0	5 71,065 2 6	6	3	848 5 0	2	17,651 7 0	1 149 6 0
Total ...	1	...	.....	...	.....	1 2,250 0 0	14	7	5,479 2 0	1	150 0 0	6 1,70,065 2 6	13	6	1,817 13 0	4	18,145 11 0	3 3,070 14 0

	5						6						7						8					
	Suits to establish a title to vacant possession and properties claimed by, or escheated to, Government.						Suits for reinstatement of office from which claimants have been dismissed by local Agents or other Authorities.						Suits for the recovery of Salaries, Malikana, Pensions, Fees, &c.						Suits for the recovery of sums unjustly realized for the recovery of rents unduly levied, or for the recovery of receipts for rents, or for exemeration from unjust demand.					
	Total.	Decisions. Favorable.		Decisions. Unfavorable.		Pending.	Total.	Decisions. Favorable.		Decisions. Unfavorable.		Pending.	Total.	Decisions. Favorable.		Decisions. Unfavorable.		Pending.	Total.	Decisions. Favorable.		Decisions. Unfavorable.		Pending.
	No.	No.	Rs. As. P.	No.	Rs. As. P.	No. Rs. As. P.	No.	No.	Rs. As. P.	No.	Rs. A. P.	No. Rs. A. P.	No.	No.	Rs. As. P.	No.	Rs. A. P.	No. Rs. As. P.	No.	No.	Rs. As. P.	No.	Rs. As. P.	No. Rs. As. P.
High Court Appeals	...	...	.....	...	.....	... .	1	1	21,883 0 0	...	.....	... .	...	...	.....	...	.....	... .	...	...	.....	...	.....	... .
Zillah Appeals	1	...	.....	...	.....	1 573 0 0	...	...	.....	...	.....	... .	1	1	253 0 0	...	.....	... .	3	...	.....	...	.....	3 4,753 0 0
Original Suits	12	6	3,398 6 0	4	1,16,544 3 4	2 3,460 13 0	1	1	1,857 1 0	...	.....	... .	4	3	405 0 0	...	.....	1 723 8 0	9	5	16,146 9 0	3	1,107 0 0	1 1,600 0 0
Total ...	13	6	3,398 6 0	4	1,16,544 3 4	3 4,035 13 0	2	2	23,740 1 0	...	.....	... .	5	4	658 0 0	...	.....	1 723 8 0	12	5	16,146 9 0	3	1,107 0 0	4 6,353 9 0

	9						10						11					
	Suits for Wasilat, or for the recovery of costs or surplus collections after an adjustment of accounts, or value of property or purchase money.						Suits to obtain possession of land, estates, or other property, or for the recovery of rents, or common or Bond debts.						Suits in which Government has been made a defendant *pro formâ*					
	Total.	Decisions. Favorable.		Decisions. Unfavorable.		Pending.	Total.	Decisions. Favorable.		Decisions. Unfavorable.		Pending.	Total.	Decisions. Favorable.		Decisions. Unfavorable.		Pending.
	No.	No.	Rs. As. P.	No.	Rs. As. P.	No. Rs. As. P.	No.	No.	Rs. As. P.	No.	Rs. As. P.	No. Rs. As. P.	No.	No.	Rs. As. P.	No.	Rs. As. P.	No. Rs. As. P.
High Court Appeals	8	2	223 0 0	2	836 11 0	4 72,573 12 0	118	81	1,16,515 9 0	6	42,938 12 0	31 1,05,090 1 0	...	...	.....	...	.....	... .
Zillah Appeals	6	5	4,530 7 0	...	.....	1 874 15 0	110	58	35,139 13 0	13	5,523 6 0	40 26,136 0 0	...	...	.....	...	.....	... .
Original Suits	25	9	97,631 9 1	9	1,62,012 5 3	7 25,801 15 4	489	102	71,232 10 0	114	1,48,780 15 0	273 2,78,363 2 6	2	2	69 1 0	...	.....	... .
Total ...	39	16	1,02,375 0 1	11	1,02,849 0 3	12 1,00,250 10 4	717	241	2,22,898 0 0	132	1,97,242 1 0	344 4,09,588 3 6	2	2	69 1 0	...	.....	... .

FORT WILLIAM,
The 30th August 1867.

F. R. COCKERELL,
Superintendent and Remembrancer of Legal Affairs.

B.

CASES instituted to obtain redress for official acts.

1	2								3								4								5							
	Suits for the reversal of Revenue Sales, on the plea of informality, non-liability, &c.								Suits for reversal of Sales in execution of Decrees, on the plea of informality, non-liability, &c.								Suits for the reversal of Sales of property pledged as Security, on the plea that the property sold was not liable, or on other plea.								Suits to stay Revenue Sales or Sales in execution of Decrees or Sales of property pledged as Security.							
	Total.	Decisions.						Pending.	Total.	Decisions.						Pending.	Total	Decisions.						Pending.	Total.	Decisions.						Pending.
		Favorable.			Unfavorable.					Favorable.			Unfavorable.					Favorable.			Unfavorable.					Favorable.			Unfavorable.			
	No.	No.	Rs. As. P.		No.	Rs. As. P.	No.	Rs. As. P.	No.	No.	Rs. As. P.		No.	Rs. As. P.	No.	Rs. As. P.	No.	No.	Rs. As. P.		No.	Rs. As. P.	No.	Rs. As. P.	No.	No.	Rs. As. P.		No.	Rs. As. P.	No.	Rs. As. P.
High Court Appeals	...	...	.....		...	.....	.	..	.	.	... ..		...	... ..	...	.....	.	...	... .		...	.....	.	.....	...	...	.....		...	.....	...	.... .
Zillah Appeals ...	2	2	1,292 8 0		...	... ..	...	.....	6	3	380 12 0		1	720 0 0	2	597 9 0	...	...	... .		..	.....	..	.....	2	..	.....		1	1,588 8 0	1	250 0 0
Original Suits ...	2	1	7 8 0		...	.....	1	1,353 0 0	17	6	1,774 15 0		5	679 2 0	6	2,949 12 0	...	...	... ..		...	.....	...	.....	...	...	.....		...	.....	...	.... .
Total ...	4	3	1,300 0 0		...	.....	1	1,353 0 0	23	9	2,155 11 0		6	1,399 2 0	8	3,547 5 0	...	...	... ..		...	.....	..	... ..	2	...	.....		1	1,588 8 0	1	250 0 0

1	6								7								8								9							
	Suits of third parties advancing claim to land attached or sold by Government as belonging to others.								Suits improperly instituted against Officers over whom, in their official capacity, the Civil Court has no jurisdiction.								Suits to contest orders reversing Sales, or regarding confirmation or quashing of Butwarrahs, or the imposition of fines.								Suits for damages on account of acts done by Revenue or other Officers.							
	Total.	Decisions.						Pending.	Total	Decisions,						Pending.	Total	Decisions.						Pending.	Total.	Decisions.						Pending.
		Favorable.			Unfavorable.					Favorable.			Unfavorable.					Favorable.			Unfavorable.					Favorable.			Unfavorable.			
	No.	No.	Rs. As. P.		No.	Rs. As. P	No.	Rs. As. P.	No.	No.	Rs. As. P.		No.	Rs. As. P.	No.	Rs. As. P.	No.	No.	Rs. As. P.		No	Rs. As. P.	No	Rs. As. P.	No.	No.	Rs. As. P.		No.	Rs. As. P.	No.	Rs. As. P.
High Court Appeals	...	...	.....		...	.....	...	.....	..	...	.....		...	.....	...	.....	..	...	.....		.	.....	.	.....	1	1	22,203 12 0		...	..... .	...	.....
Zillah Appeals ...	1	1	64 0 0		...	.....	...	.....	1	1	266 0 0		..	.....	...	.....	...	...	.....		.	.....	...	.....	9	5	5,649 8 0		1	296 0 0	3	2,579 3 0
Original Suits ...	6	3	345 0 0		1	50 0 0	2	208 8 0	5	5	739 9 0		...	...	...	.....	...	...	.....		...	. .	...	....	45	17	33,324 14 8		15	7,357 2 7	13	13,518 9 0
Total ...	7	4	409 0 0		1	50 0 0	2	208 8 0	6	6	1,005 9 0		...	.....	..	.....	.	...	.....			. ....	...	... .	55	23	61,177 2 8		16	7,653 2 7	16	16,397 12 0

FORT WILLIAM,
The 30th August 1867.

F. R. COCKERELL,
Superintendent and Remembrancer of Legal Affairs.

C.

CASES in which Government is Plaintiff.

1	2							3							4						
	Suits to establish a title to assess or to levy an enhanced Assessment.							Suits for recovery of sums misappropriated from Defaulters or their Sureties.							Suits for refund of money paid to parties not entitled to it.						
	Total.	Decisions.					Pending.	Total.	Decisions.					Pending.	Total.	Decisions.					Pending.
		Favorable.			Unfavorable.				Favorable.			Unfavorable.				Favorable.			Unfavorable.		
	No.	No.	Rs. As. P.	No.	Rs. As. P.	No.	Rs. As. P.	No.	No.	Rs. As. P.	No.	Rs. As. P.	No.	Rs. As. P.	No.	No.	Rs. As. P.	No.	Rs. As. P.	No.	Rs. As. P.
High Court Appeals	...	...	.....	...	.....	...	.....	...	...	.....	...	.....	..	.....	...	...	.....	...	.....	...	.....
Zillah Appeals	...	...	.....	...	.....	...	.....	...	...	.....	...	.....	...	.....	...	...	.....	...	.....	...	.....
Original Suits	...	...	.....	...	.....	...	.....	1	...	.....	...	.....	1	466 0 0	...	...	.....	...	.....	...	.....
Total ...	...	...	.....	...	.....	...	.....	1	...	.....	...	.....	1	466 0 0	...	...	.....	...	.....	...	.....

	5							6							7						
	Suits for the recovery of sums from parties or their Sureties for non-fulfilment of Contract.							Suits for possession of land, or the rent of land, or for the recovery of debts.							Suits to impose fines for the infraction of the Salt Laws.						
	Total.	Decisions.					Pending.	Total.	Decisions.					Pending.	Total.	Decisions.					Pending.
		Favorable.			Unfavorable.				Favorable.			Unfavorable.				Favorable.			Unfavorable.		
	No.	No.	Rs. As. P.	No.	Rs. As. P.	No.	Rs. As. P.	No.	No.	Rs. As. P.	No.	Rs. As. P.	No.	Rs. As. P.	No.	No.	Rs. As. P.	No.	Rs. As. P.	No.	Rs. As. P.
High Court Appeals	2	...	.....	1	93 7 0	1	8,000 0 0	3	2	37,907 11 0	1	14,628 13 0	...	.....	...	...	.....	...	.....	...	.....
Zillah Appeals	3	3	3,731 12 0	...	.....	...	.....	15	9	11,724 15 0	...	.....	6	3,902 4 0	...	...	.....	...	.....	...	.....
Original Suits	8	6	9,345 12 0	1	6,877 5 0	1	627 8 0	23	14	5,521 4 0	5	308 3 0	4	21,058 8 0	...	...	.....	...	.....	...	.....
Total ...	13	9	13,077 8 0	2	6,970 12 0	2	8,627 8 0	41	25	55,153 14 0	6	14,937 0 0	10	24,960 12 0	...	...	.....	...	.....	...	.....

FORT WILLIAM,
The 30th August 1867.

F. R. COCKERELL,
Superintendent and Remembrancer of Legal Affairs.

D.

GENERAL ABSTRACT STATEMENT of Suits in the Civil Court in which Government is a party, disposed of and pending during the year 1866-67.

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19
	ORIGINAL SUITS.								APPEALS.									
				DECIDED WITHIN THE YEAR.								DECIDED WITHIN THE YEAR.						
COURT.	Number pending on the 30th April 1866.	Number instituted from 1st May 1866 to 31st March 1867.	Total.	In favor of Government.	Against Government.	Total.	Compromised.	Pending on the 31st March 1867.	Number pending on the 30th April 1866.	Number instituted from 1st May 1866 to 31st March 1867.	Total.	In favor of Government.	Against Government.	Total.	Remanded.	Pending on 31st March 1867.	Number of cases which Government lost twice.	
High Court	.....	.....	...	.....	.....	...	...	.....	83	71	154	93	12	105	11	38	3	
Patna	1	4	5	4	.....	4	...	1	.....	5	5	2	1	3	...	2	.....	
Gya	3	3	6	2	4	6	...	.....	.....	2	2	...	.....	.....	...	2	.....	
Sarun	1	.....	1	1	.....	1	...	.....	1	1	2	1	1	2	...	.....	1	
Shahabad	.....	3	3	.....	.....	...	...	3	.....	.....	...	.....	.....	.....	...	.....	.....	
Tirhoot	.....	9	9	3	.....	3	...	6	.....	4	4	1	1	2	...	2	.....	
Bhaugulpore	2	5	7	3	1	4	...	3	.....	5	5	1	.....	1	...	4	.....	
Monghyr	.....	1	1	.....	.....	...	...	1	.....	.....	...	.....	.....	.....	...	.....	.....	
Purneah	.....	1	1	1	.....	1	...	.....	.....	.....	...	.....	.....	.....	...	.....	.....	
Moorshedabad	20	55	75	3	44	47	...	28	.....	1	1	.....	.....	.....	...	1	.....	
Rajshahye	.....	2	2	1	.....	2	1	.....	.....	.....	...	.....	.....	.....	...	.....	.....	
Pubna	.....	7	7	.....	2	6	4	1	.....	1	1	1	.....	1	...	.....	.....	
Rungpore	.....	1	1	1	.....	1	...	.....	.....	.....	...	.....	.....	.....	...	.....	.....	
Bograh	2	4	6	1	1	5	3	1	.....	.....	...	...	.....	.....	...	.....	.....	
Dinagepore	1	.....	1	1	.....	1	...	.....	1	.....	1	1	.....	1	...	.....	.....	
Maldah	2	1	3	1	.....	2	1	1	.....	2	2	2	.....	2	...	.....	.....	
Burdwan	11	26	37	24	9	33	...	4	.....	4	4	.....	.....	.....	...	4	.....	
Hooghly	7	26	33	7	12	21	2	12	3	9	12	6	3	9	...	3	1	
Banoorah	204	21	225	19	7	26	...	199	2	14	16	8	1	9	...	7	.....	
Beerbhoom	4	5	9	2	2	6	2	3	.....	2	2	1	.....	1	...	1	.....	
Midnapore	7	13	20	9	4	16	3	4	5	5	10	4	3	7	...	3	1	

Nuddeá	3	16	19	11	2	15	2	4	5	2	7	5	.....	5	...	2	.....	
24-Pergunnahs	7	11	18	6	3	10	1	8	2	3	5	4	.....	4	...	1	.....	
Jessore	.....	2	2	1	.....	1	...	1	.....	1	1	.....	.....	.....	...	1	.....	
Soonderbuns	1	5	6	.....	2	2	...	4	.....	2	2	1	.....	1	...	1	.....	
Dacca	7	5	12	6	1	9	2	3	5	3	8	5	2	7	...	1	1	
Furreedpore	3	6	9	3	1	5	1	4	.....	3	3	1	.....	1	...	2	.....	
Sylhet	14	32	46	17	8	39	14	7	3	15	18	12	2	14	1	3	.....	
Mymensing	12	8	20	16	2	18	...	2	7	10	17	9	2	11	...	6	2	
Backergunge	4	11	15	3	4	10	3	5	2	2	4	2	.....	2	...	2	.....	
Cuttack	1	2	3	2	.....	2	...	1	1	.....	1	1	.....	1	...	.....	.....	
Balasore	.....	.....	...	.....	.....	...	...	.....	.....	.....	...	.....	.....	.....	...	.....	.....	
Pooree	2	.....	2	2	.....	2	...	.....	.....	.....	...	.....	.....	.....	...	.....	.....	
Chittagong	10	11	21	8	8	16	...	5	6	8	14	10	1	11	1	2	.....	
Tipperah	1	5	6	1	2	3	...	3	5	.....	5	3	.....	3	...	2	.....	
Bullooah	4	8	12	9	1	10	...	2	1	4	5	3	.....	3	...	2	.....	
Hazareebaugh	.....	2	2	2	.....	2	...	.....	1	8	9	5	.....	5	...	4	.....	
Lohardugga	1	.....	1	1	.....	1	...	.....	.....	.....	...	.....	.....	.....	...	.....	.....	
Maunbhoom	8	9	17	13	1	14	...	3	3	.....	3	3	.....	3	...	.....	.....	
Kamroop	.....	.....	...	.....	.....	...	...	.....	.....	.....	...	.....	.....	.....	...	.....	.....	
Gowalpartah	.....	2	2	1	.....	1	1	.....	.....	.....	...	.....	.....	.....	...	.....	.....	
Durrung	.....	.....	...	.....	.....	...	...	.....	.....	.....	...	.....	.....	.....	...	.....	.....	
Total ...	343	322	665	185	120	345	40	320	136	187	323	185	29	214	13	96	9	

FORT WILLIAM,
The 30th August 1867.

F. R. COCKERELL,
Superintendent and Remembrancer of Legal Affairs.

E.

STATEMENT shewing the Amount expended in litigation as contrasted with the sums actually realized by Government under decrees of Court in the Revenue Department, from 1st May 1866 to 31st March 1867.

Division	Zillah	Nature of Receipts: Sums awarded in favor of Government in Regular Suits.	Costs awarded in favor of Government, whether in actions for or against Government.	Costs in Privy Council Appeals realized.	Costs in Pauper Suits realized, exclusive of Stamp Fees.	Costs in all other cases realized.	All sums otherwise realized in Judicial Proceedings.	Total.	Nature of Disbursements: Amount including costs awarded against Government in Regular Suits.	Amount expended in prosecution of Suits in Court.	Amount expended in defence of Suits in Court.	Amount advanced in Privy Council Appeals.	Amount advanced in Pauper Suits inclusive of Stamp Fees.	Miscellaneous Disbursements on account of Judicial Proceedings other than those above adverted to.	Total.
		Rs. As. P.	Rs. As. P.	Rs. As. P.	Rs. As. P.	Rs. As. P.	Rs. As. P.	Rs. As. P.	Rs. As. P.	Rs. As. P.	Rs. As. P.	Rs. As. P.	Rs. As. P.	Rs. As. P.	Rs. As. P.
Patna	Patna ...	.....	1,364 8 1	.....	157 7 9	.....	.....	1,521 15 10	86 3 11	.....	11 10 0	.....	7 8 0	33 2 6	138 8 5
	Gya ...	.....	84 11 0	.....	.....	.....	.....	84 11 0	1 8 0	602 0 0	9 0 0	.....	6 15 0	640 11 3	1,260 2 3
	Sarun ...	3,459 7 0	365 9 0	.....	.....	.....	.....	3,825 0 0	.....	.....	1,087 5 6	.....	.....	24 6 0	1,111 11 6
	Shahabad ...	300 4 8	24 2 9	.....	15 15 0	.....	.....	340 6 5	.....	.....	72 2 4	.....	2 14 0	.....	75 0 4
	Tirhoot ...	373 7 10	.....	.....	10 0 6	.....	38 12 0	422 4 4	.....	.....	30 15 6	.....	9 6 0	66 13 10	107 3 4
Bhaugulpore	Bhaugulpore ...	.....	759 12 0	.....	.....	.....	.....	759 12 0	.....	.....	0 8 0	.....	.....	406 8 7	407 0 7
	Monghyr ...	.....	.....	.....	.....	.....	.....	.....	2,530 8 4	18 0 0	16 1 6	.....	2 0 0	3,266 4 0	5,832 13 10
	Purneah ...	.....	1,483 0 5	.....	26 13 0	.....	545 14 3	2,055 11 8	.....	.....	108 0 4	.....	0 15 0	.....	108 15 4
Rajshahye	Moorshedabad ...	.....	57 10 2	.....	5 14 0	.....	.....	63 8 2	2,667 10 0	.....	263 12 0	.....	3 12 0	31 11 0	2,966 13 0
	Rajshahye ...	.....	33 11 3	.....	.....	.....	.....	33 11 3	323 10 0	.....	.....	.....	0 9 0	5 0 0	329 3 0
	Pubna ...	380 9 1	.....	.....	119 8 0	.....	.....	500 1 1	1,249 0 10	.....	563 0 5	.....	.....	0 10 0	1,812 11 3
	Rungpore ...	.....	.....	.....	.....	.....	.....	.....	.....	24 13 0	.....	.....	.....	4 0 0	28 13 0
	Bograh ...	.....	.....	.....	8 0 0	.....	.....	8 0 0	568 11 6	20 0 0	.....	9 14 0	.....	.....	568 9 6
	Dinagepore ...	.....	.....	.....	.....	.....	72 12 2	72 12 2	.....	.....	.....	.....	.....	12 7 8	12 7 8
	Maldah ...	.....	12 0 0	.....	.....	.....	.....	12 0 0	.....	2 0 6	.....	.....	.....	.....	2 0 6
Burdwan	Burdwan ...	156 12 6	801 15 0	.....	25 2 3	68 15 0	1,517 8 3	2,600 5 0	32 1 10	270 9 7	2 0 0	.....	170 2 0	6 10 5	481 7 10
	Hooghly ...	.....	2,986 5 5	.....	876 12 0	.....	.....	3,863 1 5	.....	.....	2,351 10 11	.....	6 12 0	.....	2,358 6 11
	Bancoorah ...	.....	3,226 5 10	.....	.....	.....	.....	3,226 5 10	244 10 2	40 15 0	58 11 0	.....	.....	80 13 0	425 1 1
	Beerbhoom ...	851 12 8	366 1 6	.....	2 7 0	.....	.....	1,220 5 2	.....	4 11 0	7 6 0	.....	24 0 0	40 12 0	76 14 0
	Midnapore ...	139 6 5	2,214 9 5	.....	.....	.....	.....	2,353 15 10	44 10 0	41 14 0	268 14 0	.....	.....	.....	355 6 0

PRESIDENCY.	Nuddea ...	.....	1,680 1 0	.....	.....	.....	.....	1,680 1 0	681 9 7	.....	92 4 9	.....	.....	95 6 9	869 5 1
	24-Pergunnahs ...	.....	2,102 9 9	.....	.....	.....	.....	2,102 9 9	.....	637 0 3	27 8 0	.....	25 8 0	894 0 6	1,584 1 0
	Jessore ...	.....	790 14 8	.....	.....	.....	.....	790 14 8	.....	197 1 0	48 2 6	.....	.....	220 0 0	465 3 6
	Soonderbuns ...	.....	3,179 12 7	.....	.....	.....	.....	3,179 12 7	2,742 1 10	1,265 8 7	1,870 7 1	353 0 0	.....	58 8 0	6,279 9 6
DACCA.	Dacca ...	18,601 6 7	1,573 7 0	.....	.....	.....	.....	20,174 13 7	.....	1,316 6 8	5,191 15 11	.....	.....	.....	6,508 6 7
	Furreedpore ...	.....	846 3 9	.....	.....	.....	.....	846 3 9	776 8 0	576 11 10	.....	.....	.....	.....	1,353 3 10
	Sylhet ...	52 12 3	662 3 5	.....	5 0 0	.....	.....	719 15 8	137 6 9	277 9 0	166 11 0	.....	.....	449 4 6	1,030 15 3
	Mymensingh ...	1,983 3 10	179 0 1	.....	.....	.....	.....	2,162 3 11	2,256 2 6	17 13 0	1,213 5 0	.....	.....	.....	3,487 4 6
	Backergunge ...	1,164 4 6	178 11 0	.....	.....	.....	.....	1,342 15 6	738 14 3	168 5 0	.....	9 8 0	.....	20 12 0	937 7 3
CUTTACK.	Cuttack ...	.....	.....	.....	7 14 0	.....	.....	7 14 0	549 14 0	1,005 11 0	.....	.....	12 4 0	.....	1,567 13 9
	Balasore ...	.....	.....	.....	113 11 2	.....	.....	113 11 2	.....	.....	.....	.....	.....	.....	.....
	Pooree ...	.....	.....	.....	.....	.....	.....	.....	.....	.....	1 9 6	.....	1 0 0	4 5 0	6 14 6
CHITTAGONG.	Chittagong ...	.....	370 1 4	.....	.....	.....	.....	370 1 4	.....	408 6 0	1 0 0	.....	.....	147 9 0	556 15 0
	Tipperah ...	10 4 2	.....	.....	.....	.....	.....	10 4 2	873 13 0	67 0 9	.....	.....	.....	.....	940 13 9
	Bullooah ...	50 4 6	12 8 9	.....	110 15 7	.....	.....	173 12 10	.....	293 14 6	.....	.....	36 10 0	14 11 0	345 3 6
CHOTA NAGPORE.	Hazareebaugh ...	.....	82 7 2	.....	.....	.....	44 9 10	127 1 0	.....	.....	134 4 2	.....	.....	39 3 9	173 7 11
	Lohardugga ...	1,011 9 1	.....	.....	.....	.....	.....	1,011 9 1	.....	9 8 0	.....	.....	.....	.....	9 8 0
	Maunbhoom ...	.....	165 6 0	.....	.....	.....	23 10 6	189 0 6	.....	556 3 0	520 12 6	.....	.....	.....	1,076 15 6
	Singhbhoom ...	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
ASSAM.	Durrung ...	32 0 0	.....	.....	.....	.....	.....	32 0 0	.....	.....	.....	.....	.....	.....	.....
	Goalparah ...	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
	Nowgong ...	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
	Total ...	28,567 9 1	25,603 12 4	.....	1,485 8 3	68 15 0	2,273 3 0	57,998 15 8	16,475 1 2	7,812 1 8	14,119 1 11	372 6 0	310 3 0	6,623 12 0	45,712 9 9

FORT WILLIAM,
The 30th August 1867.

F. R. COCKERELL,
Superintendent and Remembrancer of Legal Affairs.

F.

STATEMENT shewing the Amount expended in litigation, as contrasted with the sums actually realized by Government, under decrees of Court in the Salt and Opium Departments, from 1st May 1866 to 31st March 1867.

	Nature of Receipts.						Nature of Disbursements					Remarks
	Sums awarded in favor of Government in Regular Suits.	Costs awarded in favor of Government, whether in actions for, or against, Government.	Fines and Penalties realized through the intervention of the Courts of Justice.	Costs in all other cases realized.	All sums otherwise realized in Judicial Proceedings	Total.	Amount, including Costs, awarded against Government in Regular Suits	Amount expended in prosecution of Suits in Court	Amount expended in defence of Suits in Court.	Miscellaneous Disbursements on account of Judicial Proceedings other than those adverted to	Total	
Salt Department	Rs As P	Rs. As P	Rs As. P	Rs. As. P	Rs. As. P	Rs. As P	Rs As. P	Rs As P.	Rs. As. P	Rs. As P.	Rs. As. P	
Cuttack Agency ..	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	
Balasore " ...	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	
Pooree " ...	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	
Hidgellee "	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	
24-Pergunnahs " ..	656 5 0	.....	.....	.....	.....	656 5 0	.....	252 10 0	1 0 0	.....	253 10 0	
Chittagong " ...	.....	9 0 9	.....	.....	.....	9 0 9	.....	.....	.....	2 12 0	2 12 0	
Total ...	656 5 0	9 0 9	.....	.....	.....	665 5 9	.....	252 10 0	1 0 0	2 12 0	256 6 0	
Behar Opium Agency ..	.....	.....	.....	.....	.....	.....	.....	32 0 0	129 14 6	.....	161 14 6	
Grand Total ..	656 5 0	9 0 9	.....	.....	.....	665 5 9	.....	284 10 0	130 14 6	2 12 0	418 4 6	

Fort William,
The 30th August 1867.

F R. COCKERELL,
Superintendent and Remembrancer of Legal Affairs

G.

GENERAL ABSTRACT STATEMENT shewing the amounts decreed in favor of Government in the Revenue Department, realized and outstanding on 1st April 1867.

DIVISION.	ZILLAH.	Outstanding on the 1st May 1866.			Awarded in favor of Government from 1st May 1866 to 31st March 1867.			Total.	Realized during the year 1866-67.	Balance.	Deduct remitted by order of the Commissioner of Revenue, or other Authorities.	Net balance outstanding on the 1st April 1867.	REMARKS.
		Principal.	Interest.	Costs.	Principal.	Interest.	Costs.						
		Rs. As. P.	Rs. A. P.	Rs. As. P.	Rs. As. P.	Rs. As. P.	Rs. As. P.	Rs. As. P.	Rs. As. P.	Rs. As. P.	Rs. As. P.	Rs. As. P.	
PATNA ...	Patna	2,321 13 7	478 1 3	73 13 6	.....	17 13 8	24 6 0	3,216 0 0	1,364 8 1	1,851 7 11	.....	1,851 7 11	
	Gya	954 9 11	2 14 0	1 6 3	.....	11 4 6	13 14 0	984 10 11	84 11 9	899 15 2	388 14 0	511 1 2	
	Sarun	5,000 0 0	0 2 6	1,172 0 10	.....	14 8 9	915 2 0	7,101 14 1	3,825 0 0	3,276 14 1	.....	3,276 14 1	
	Shahabad ...	1,954 4 7	262 7 11	25 6 0	3,195 11 0	23 6 3	24 9 9	5,485 13 6	324 7 5	5,161 6 1	1,858 9 7	3,302 12 6	
	Tirhoot	667 13 3	.....	13 9 0	136 13 4	46 5 8	20 2 9	884 12 0	373 7 10	511 4 2	90 12 8	420 7 6	
BHAUGULPORE ...	Bhaugulpore ...	1,011 4 5	.....	1 4 0	932 15 9	191 7 3	2 0 0	2,138 15 5	759 12 0	1,379 3 5	.....	1,379 3 5	
	Monghyr	.....	.....	208 8 3	.....	.....	536 8 0	745 0 3	.....	745 0 3	.....	745 0 3	
	Purneah	.....	.....	3,091 3 8	.....	.....	.....	3,091 3 8	1,483 0 5	1,608 3 0	.....	1,608 3 3	
RAJSHAHYE.	Moorshedabad ...	.....	.....	457 2 2	.....	.....	66 14 8	524 2 10	57 10 2	466 8 8	.....	466 8 8	
	Rajshahye ...	2,012 0 0	.....	5 0 0	122 0 0	0 0 9	4 8 0	2,143 8 9	33 11 3	2,109 13 6	.....	2,109 13 6	
	Pubna	.....	.....	726 0 1	.....	18 14 3	396 12 6	1,141 15 10	380 9 1	761 6 9	29 1 0	732 5 9	
	Rungpore	.....	.....	.....	240 0 0	4 3 0	32 13 0	2 77 0	.....	277 0 0	.....	277 0 0	
	Bograh	.....	.....	1,670 2 9	.....	.....	11 14 6	1,682 1 3	.....	1,682 1 3	.....	1,682 1 3	
	Dinagepore ...	128 2 2	26 1 10	34 8 0	.....	.....	.....	248 12 0	.....	248 12 0	.....	248 12 0	
	Maldah	290 5 0	.....	49 8 2	.....	.....	105 4 10	445 2 0	12 0 0	433 2 0	.....	433 2 0	
PRESIDENCY	Burdwan	5,988 10 11	.....	81 1 0	1,403 2 5	127 6 0	270 9 7	7,870 13 11	1,027 10 6	6,843 3 5	.....	6,843 3 5	
	Hooghly	.....	71 7 4	4,248 14 11	.....	295 4 3	2,233 11 3	6,849 5 9	2,986 5 5	3,863 0 4	137 11 7	3,725 4 9	
	Bancoorah ...	7,412 7 4	.....	122 6 1	1,428 5 3	864 1 4	81 14 0	9,909 2 0	3,226 5 10	6,682 12 2	104 1 2	6,578 11 0	
	Beerbhoom ...	1,106 0 11	.....	17 2 2	401 14 5	636 8 6	19 1 0	2,180 11 0	1,217 14 2	962 12 10	.....	962 12 10	
	Midnapore ...	1,350 4 4	366 4 9	4,439 5 7	192 10 9	135 6 5	1,282 1 4	7,766 1 2	2,353 15 10	5,412 1 4	330 0 4	5,082 1 0	
NUDDEA ...	Nuddea	.....	.....	2,796 0 5	.....	.....	966 4 3	3,762 4 8	1,680 1 0	2,082 3 8	1,921 11 0	160 8 8	
	24-Pergunnahs ...	7,053 15 8½	200 11 1	212 15 8½	823 0 0	152 5 5	837 0 3	9,080 0 2	2,102 9 9	6,977 6 5	50 5 11	6,927 0 6	
	Jessore	746 1 0½	313 1 6	20 14 0	62 14 9	88 9 7½	14 2 0	1,195 10 11	790 14 8	404 12 3	....	404 12 3	
	Soonderbuns ...	8,160 8 1	.....	165 9 0	368 3 10	1,024 13 10	61 1 0	9,780 3 9	3,179 12 7	6,600 7 2	564 14 8	6,035 8 6	

G.—*(Continued.)*

Division.	Zillah.	Outstanding on the 1st May 1866. Principal.	Interest.	Costs.	Awarded in favor of Government from 1st May 1866 to 31st March 1867. Principal.	Interest.	Costs.	Total.	Realized during the year 1866-67.	Balance.	Deduct remitted by order of the Commissioner of Revenue, or other Authorities.	Net balance outstanding on the 1st April 1867.	Remarks.
		Rs. As. P.	Rs. As. P.	Rs. As. P.	Rs. As. P.	Rs. As. P.	Rs. As. P.	Rs. As. P.	Rs. As. P.	Rs. As. P.	Rs. As. P.	Rs. As. P.	
Dacca	Dacca ...	15,543 14 4½	.....	69 3 6	2,363 13 4½	1,978 2 1½	1,525 15 6	21,481 0 10½	20,174 13 7	1,306 3 3½	.....	1,306 3 3½	
	Furreedpore ...	.....	.....	848 8 10½	.....	.....	854 1 1	1,702 9 11½	846 3 9	856 6 2½	.....	856 6 2½	
	Sylhet ...	516 13 9	0 3 6	1 2 0	1,062 3 10	40 7 4	55 9 3	1,676 7 8	714 15 8	961 8 0	.....	961 8 0	
	Mymensingh ...	2,703 12 1	.....	91 10 0	1,937 15 0	945 6 1	51 2 1	5,729 13 3	2,162 3 11	3,567 9 4	.....	3,567 9 4	
	Backergunge ...	2,008 6 8	1,580 9 10	97 9 6	475 3 2	149 8 7	136 9 0	4,147 14 9	1,342 15 6	3,104 15 3	.....	3,104 15 3	
Cuttack	Cuttack ...	.....	.....	.....	85 0 0	6 6 8	.....	91 6 8	.....	91 6 8	.....	91 6 8	
	Balasore ...	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	...	
	Pooree ...	.....	.....	20 0 0	.....	.....	1 12 0	21 12 0	.....	21 12 0	.....	21 12 0	
Chittagong	Chittagong ...	.....	.....	2,070 2 8	.....	.....	370 6 0	2,440 8 8	370 1 4	2,070 7 4	251 6 0	1,819 1 4	
	Tipperah ...	9 14 2	.....	.....	136 0 0	0 6 0	47 6 0	193 10 2	10 4 2	183 6 0	.....	183 6 0	
	Bulloosh ...	4 11 5	.....	6 15 0	201 15 6	1 13 7	12 3 6	227 11 0	62 13 3	164 13 9	.....	164 13 9	
Chota Nagpore	Hazaribaugh ...	.....	.....	19 0 0	.....	.....	158 15 5	177 15 5	82 7 2	95 8 3	.....	95 8 3	
	Lohardugga ...	2,779 3 8	972 7 4	26 0 0	8,119 0 0	14 11 2	6 0 0	11,917 6 2	1,011 9 1	10,905 13 1	.....	10,905 13 1	
	Maunbhoom ...	.....	.....	2,267 12 0	.....	.....	1,299 12 0	3,567 8 0	165 6 0	3,402 2 0	540 10 0	2,861 8 0	
	Singbhoom ...	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	
Assam	Durrung ...	208 1 6	.....	.....	39 0 0	.....	.....	247 1 6	32 0 0	215 1 6	192 1 6	23 0 0	
	Gowalparah ...	.....	.....	1,003 0 0	.....	.....	11 5 6	1,014 5 6	.....	1,014 5 6	.....	1,014 5 6	
	Nowgong ...	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	
	Total ...	70,233 2 16½	4,334 8 10	26,155 4 4	23,727 14 4½	6,739 15 0½	12,251 12 0	1,43,442 9 5	54,240 5 2	89,202 4 3	6,460 3 5	82,742 0 10	

Fort William,
The 30th August 1867.

(Sd.) F. R. COCKERELL,
Supdt. and Remembrancer of Legal Affairs.

H.

GENERAL ABSTRACT STATEMENT shewing the Amounts decreed in favor of Government in the Salt and Opium Departments, realized and outstanding on the 1st April 1867.

Department.	Outstanding on the 1st May 1866.			Awarded in favor of Government, from 1st May 1866 to 31st March 1867.			Total.	Realized during the year 1866-67.	Balance.	Deduct remitted by order of the Commissioner of Revenue, or other authority.	Net Balance outstanding on the 1st April 1867.	Remarks.
	Principal.	Interest.	Costs.	Principal.	Interest.	Costs.						
Salt Department.	Rs. As. P.	Rs. As. P.	Rs. As. P.	Rs. As. P.	Rs. As. P.	Rs. As. P.	Rs. As. P.	Rs. As. P.	Rs. As. P.	Rs. As. P.	Rs. As. P.	
Cuttack Agency ...	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	
Balasore " ...	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	
Pooree " ...	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	
Hidgellee " ...	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	
24-Pergunnahs " ...	1,16,547 11 8	47 8 5	2,931 7 9	.....	.....	252 10 0	1,19,779 5 10	656 5 0	1,19,123 0 10	50,530 12 9	68,592 4 1	
Chittagong " ...	.....	.....	6,701 7 9	.....	.....	4 5 7	6,705 13 4	9 0 9	6,696 12 7	6,622 5 1	74 7 6	
Total ...	1,16,547 11 8	47 8 5	9,632 15 6	.....	.....	256 15 7	1,26,485 3 2	665 5 9	1,25,819 13 5	57,153 1 10	68,666 11 7	
Behar Opium Agency	2,459 14 0	12 11 9	335 10 5	.....	.....	.....	2,808 4 2	.....	2,808 4 2	.....	2,808 4 2	
Grand Total ...	1,19,007 9 8	60 4 2	9,968 9 11	.....	.....	256 15 7	1,29,293 7 4	665 5 9	1,28,628 1 7	57,153 1 10	71,474 15 9	

Fort William,
The 30th August 1867.

F. R. COCKERELL,
Superintendent and Remembrancer of Legal Affairs.

I.

STATEMENT shewing the number of cases appertaining to the Court of Wards decided and pending in the year 1866-67.

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	Remarks.
	Original Suits.							Appeals.							
				Decided,							Decided,				
	Number pending on 30th April 1866	Number instituted from 1st May 1866 to 31st March 1867.	Total	In favor of Court of Wards.	Against Court of Wards.	Total decided.	Pending.	Number pending on 30th April 1866	Number instituted from 1st May 1866 to 31st March 1867.	Total.	In favor of Court of Wards	Against Court of Wards.	Total decided.	Pending.	
High Court	...	...	...	...	...	...	...	27	72	99	45	15+11*	71	28	* Remanded.
Gya	...	3	3	1	1	2	1	...	3	3	...	3	3	...	
Patna	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
Shahabad	...	6	6	...	4	4	2	...	2	2	1	...	1	1	
Sarun	4	7	11	7	1	8	3	...	3	3	1	...	1	2	
Tirhoot	4	12	16	8	2	10	6	6	15	21	7	2	9	12	
Bhaugulpore	...	6	6	2	1+1[a]	4	2	...	...	...	...	...	...	...	a. Compromised.
Midnapore	...	5	5	2	2	4	1	...	2	2	1	1	2	...	

Beerbhoom ...	...	.....	11	11	7	2	9	2	.....	13	13	6	2	8	5	
Jessore ...	...	5	10	15	6	3+2[b]	11	4	4	14	18	3	1	4	14	[b]. Compromised.
Bograh ...	...	2	2	4	3	+1[c]	4	.....	.....	.....	.....	.....	.....	.....	.....	[c]. Compromised.
Dinagepore ...	...	5	4	9	7	1	8	1	.....	1	1	.....	1	1	.....	
Maldah ...	...	.....	1	1	.....	.....	.....	1	.....	.....	.....	.....	.....	.....	.....	
Rajshahye ...	...	.....	5	5	1	2	3	2	.....	3	3	2	.....	2	1	
Pubna ...	...	.....	3	3	3	.....	3	.....	.....	.....	.....	.....	.....	.....	.....	
Rungpore ...	...	.....	5	5	3	1	4	1	.....	.....	.....	.....	.....	.....	.....	
Moorshedabad ...	...	2	2	4	.....	.....	.....	4	.....	.....	.....	.....	.....	.....	.....	
Dacca ...	...	.....	.....	.....	.....	.....	.....	.....	1	.....	1	1	.....	1	.....	
Furreedpore ...	...	1	.....	1	1	.....	1	.....	.....	3	3	.....	.....	.....	3	
Mymensing ...	...	21	29	50	11	13+15[d]	39	11	4	12	16	5	6+1[e]	12	4	[d]. Compromised. [e]. Remanded.
Sylhet ...	...	.....	4	4	.....	2	2	2	1	1	2	1	1	2	.....	
Hazareebaugh ...	...	.....	11	11	10	1	11	.....	.....	.....	.....	.....	.....	.....	.....	
Lohardugga ...	...	.....	2	2	.....	.....	.....	2	.....	4	4	.....	1	1	3	
Cuttack ...	...	.....	.....	.....	.....	.....	.....	.....	2	.....	2	2	.....	2	.....	
Chittagong ...	...	10	8	18	12	2	14	4	1	10	11	9	1	10	1	
Tipperah ...	...	3	7	10	6	1	7	3	2	.....	2	2	.....	2	.....	
Total ...		57	143	200	90	39+19	148	52	48	158	206	86	34+12	132	74	

FORT WILLIAM,
The 30th August 1867.

(Sd.) F. B. COCKERELL,
Solicitor and Remembrancer of Legal Affairs.

J.

STATEMENT shewing the amount realized and disbursed on account of Law Charges appertaining to the Court of Wards from 1st May 1866 to 31st March 1867.

	Nature of Receipts.				Nature of Disbursements.					Outstanding on account of Decrees passed in favor of Court of Wards	Remarks.
	Sums awarded in favor of the Court of Wards' in regular suits.	Costs awarded in favor of Court of Wards whether in actions for or against it.	All sums otherwise realized in judicial proceedings.	Total.	Amount, including costs, awarded against the Court of Wards in regular suits.	Amount expended in prosecution of suits in Court.	Amount expended in defence of suits in Court.	Miscellaneous Disbursements on account of judicial proceedings.	Total.		
	Rs. As. P.	Rs As. P.	Rs. As. P.	Rs As P	Rs. As. P.	Rs As. P	Rs. As. P.	Rs. As. P.	Rs. As. P.	Rs. As. P.	
Patna ...	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	
Shahabad ...	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	
Sarun ...	171 5 1	1,178 15 2	.....	1,350 4 3	466 8 11	523 0 11	1,480 6 2	190 6 6	2,660 6 6	6,069 4 1	
Tirhoot ...	23,367 9 7	7,771 13 1½	.....	31,139 6 8½	65,413 1 2	1,084 1 0	353 6 0	996 8 7	67,847 0 9	2,72,978 7 5	
Bhaugulpore ...	375 0 4	5,181 1 8	.....	5,556 2 0	785 8 9	541 6 2	112 4 0	83 14 0	1,523 0 11	55 8 0	
Monghyr ...	.....	.....	.....	.....	.....	.....	.....	.....	.....	8,468 5 2	
Purneah ...	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	
Beerbhoom ...	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	
Hooghly ...	.....	.....	.....	.....	.....	135 3 9	685 4 0	.....	820 7 9	38 12 3	
Midnapore ...	.....	122 0 0	.....	122 0 0	943 1 0	4,475 8 0	.....	.....	5,418 9 0	13,540 3 7	
Dinagepore ...	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	
Bograh ...	.....	107 2 4	.....	107 2 4	521 2 10	8 13 0	47 8 7	.....	577 8 5	.....	
24-Pergunnahs ...	.....	2,687 8 0	.....	2,687 8 0	.....	2,533 11 0	.....	128 6 0	2,662 1 0	6,731 8 4	

Backergunge ...	.....	.....	.....	.....	.....	103 2 0	108 6 0	10 0 0	221 8 0	108 1 0	
Mymensingh ...	30,713 7 11	1,470 0 10	.....	32,183 8 9	4,614 1 2	1,878 5 6	295 12 0	.....	6,788 2 8	32,574 6 9½	
Sylhet ...	.....	659 11 1	.....	659 11 1	528 9 9	178 14 3	12 0 2	468 15 6	1,188 7 8	430 1 8	
Cuttack ...	.....	.....	.....	.....	10,427 4 7	78 14 3	7 0 0	.....	10,513 2 10	4,636 11 4	
Hazareebaugh ...	1,352 7 9	225 13 0	.....	1,578 4 9	.....	998 0 0	838 4 9	355 4 11	2,191 9 8	26,032 10 3½	
Lohardugga ...	.....	.....	.....	.....	423 12 3	.. ..	.....	.....	423 12 3	.....	
Tipperah ...	71 5 9	18 2 0	.....	89 7 9	3,556 7 0	382 0 9	.....	136 0 0	4,074 7 9	7,284 9 2	
Total ...	56,051 4 5	19,422 3 2½	.....	75,473 7 7½	87,679 9 5	12,921 0 7	3,940 3 8	2,369 7 6	1,06,910 5 2	3,78,948 8 8	

FORT WILLIAM,
The 30th August 1867.

(Sd.) F. B. COCKERELL,
Supdt. and Remembrancer of Legal Affairs.

(RESOLUTION.)

JUDICIAL.

Fort William, the 7th January 1868.

READ a letter from the Officiating Secretary to the Board of Revenue, No. 5518B., dated 2nd October 1867, forwarding with the Board's remarks the Report of the Superintendent and Remembrancer of Legal Affairs for the year 1866-67.

1. In original suits to which the Government has been a party and which have been decided during the year, the decision has been adverse to Government in a larger proportion of cases than last year: in appeals, the results have been more favorable.

2. The amount expended in litigation during the year was Rupees 46,130. This does not appear to include any portion of the salaries of the Legal Remembrancer or of the Government Pleaders. The amount realized under decrees was Rupees 58,664.

3. The outstanding balances due to Government have been reduced from Rupees 2,27,830 to Rupees 1,54,216 during the year. The reduction has mainly been effected in the Salt Department, the balances of which are scarcely more than one-half of what they were last year. It is presumed that this reduction is to some extent the result of the measures which were sanctioned by the Board in November last, and which have the Lieutenant-Governor's full approval; but at the same time it is to be observed that the total realizations during the year do not come up even to the amount by which these outstanding Salt balances have been reduced.

4. The course adopted by the Board for the realization of the outstanding revenue decree balances was approved in the letter from this Government, No. 5240, dated 13th September last.

5. The Lieutenant-Governor agrees with the Board in their condemnation of the neglect with which the case referred to in the 5th paragraph of their Secretary's letter, was conducted by the Local Officers. The Government has already acquiesced in the removal of Moulvi Thakoor Pershad, the Government Pleader of Patna, as being generally inefficient, and it is to be hoped that he will be superseded by a more able and energetic Officer, but for such mismanagement as the remarks of the High Court and of the Board on this case indicate, the responsibility can scarcely rest with the Government Pleader alone. The Lieutenant-Governor wishes to know the name of the Revenue Officers who had charge of the suit and to have a full report from the Board, giving their opinion as to whether the miscarriage of the case was in any degree attributable to any of them.

6. The law charges connected with the Court of Wards appear to have amounted to Rupees 1,06,910, while the realizations during the year were Rupees 75,473 only. This excess of disbursements is due to heavy decrees in the Tirhoot District. The outstanding balances due to the Court aggregate nearly four lakhs of Rupees, of which 2¾ lakhs pertain to the same District. The Lieutenant-Governor trusts that these balances will be largely reduced before next year.

7. The thanks of Government are due to Mr. Prinsep for his intelligent superintendence of the Legal Affairs of Government during the year, and to Mr. Reynolds, the Collector of Mymensingh, for the care that he bestowed on the conduct of the suits arising in his collectorate, a duty, which it is feared, does not always receive from Collectors the attention, that it should. His Honor also notices with satisfaction the favorable mention made of the Pleaders named in the margin.

Names of Government Pleaders.

Baboo Hurreehur Mookerjee, Bancorah.
" Shushee Bhoosun Mookerjee, Beerbhoom.
" Motee Lall Chowdry, Burdwan.
Mr J. Baptist, Bhaugulpore.
Baboo Omesh Chunder Sircar, Gyah
Hungsheshur Mookerjee, Maunbhoom.

By Order of the Lieutenant-Governor of Bengal,

H. L. DAMPIER,

Offg. Secretary to the Govt. of Bengal.

No. 108.

COPY forwarded to the Officiating Secretary to the Board of Revenue, Lower Provinces, with reference to his letter No. 5518B., dated 2nd October 1867.

FORT WILLIAM,
The 7th January 1868.

A. MACKENZIE,
Under-Secretary to the Govt. of Bengal.

REPORT

ON

THE LEGAL AFFAIRS

OF THE

BENGAL GOVERNMENT,

FOR THE

YEAR 1867-68.

CALCUTTA:
E. M. LEWIS, CALCUTTA CENTRAL PRESS COMPANY, LIMITED,
5, COUNCIL HOUSE STREET.

1868.

No. 5723B.

FROM

H. L. HARRISON, ESQ.,

Offg. Junior Secretary to the Board of Revenue, L. P.,

To

THE SECRETARY TO THE GOVERNMENT OF BENGAL.

Fort William, the 28th October, 1868.

SIR,

CIVIL SUITS.
A. MONEY, and C. H. CAMPBELL, } ESQRS.

I AM directed by the Board of Revenue to submit the accompanying copy of a Report from the Superintendent and Remembrancer of Legal Affairs, together with annexed Statements relative to the Legal Affairs of the Bengal Presidency for the year 1867-68.

2. The figures submitted in paras. 3 to 5 of the Legal Remembrancer's letter, show a marked improvement in the results generally of litigation, in favour of Government.

3. With reference to the 12th para., I am to observe that the results of the Board's Circular Order No. 3 of August, 1867, in regard to outstanding balances due to Government, would not be apparent before the close of the year under review; but that, in the present year, the balances will, it is expected, be greatly reduced. No conclusion can properly, therefore, be formed on the figures given by the Legal Remembrancer.

4. Special explanations have been called for from the Opium Agents, with advertence to the remark in para. 13, that "no sums were realized" during the past year in the Opium Department.

5. The Board have ascertained, with reference to the Legal Remembrancer's remark in his 19th para., that his predecessor duly sanctioned the institution of the suit, after reference to the local authorities and personal communication with one of the Officers of the Public Works Department.

6. Referring to paras., 50 and 52 of the Legal Remembrancer's letter, I am to state that the attention of that Officer has been drawn to the return

given as Appendix A of Chapter III of the Board's Rules, which, under Rule 2, Section II, is forwarded with every case to the Commissioner, and in due course to the Legal Remembrancer.

7. The Board have pointed out that the Collector is, as stated in Clause 15, page 38 of their Rules, responsible for all avoidable delay, and that the Legal Remembrancer should, at once, and on every occasion, bring to the Board's notice any case in which delay has occurred.

8. Also, as regards the proposal in the concluding portion of the Legal Remembrancer's 50th para., that Collectors should, in all suits instituted against Government, communicate directly with his Office, he has been informed that the Board think it of the greatest importance that the opinion of the Commissioner of the Division, who is often much better acquainted with the real facts than the Collector, should be procured in all Civil Suits, and that they cannot, therefore, agree in considering that the reports should be forwarded direct to the Legal Remembrancer, by the Collectors.

9. A special Circular Order, in the terms of para. 7 above, has been issued by the Board, for the information and guidance of all Revenue Officers.

I have the honor to be,

SIR,

Your most obedient Servant,

H. L. HARRISON,

Offg. Junior Secretary.

FROM

RIVERS THOMPSON, ESQ.,

Offg. Supdt. and Rembr. of Legal Affairs,

To

THE OFFICIATING SECRETARY TO THE

BOARD OF REVENUE, L. P.

FORT WILLIAM, *the 22nd August,* 1868.

SIR,

I HAVE the honor to submit the accompanying Report on the Legal Affairs of the Bengal Presidency, from 1st April 1867 to 31st March 1868.

2. Mr. F. R. Cockerell was Legal Remembrancer, from 1st April 1867 to the 30th September of last year. Mr. G. Morris was in charge of the Office from 30th September to 15th December 1867, and Mr. R. L. Mangles from 8th January to 11th February last. I took charge of the Office on the 12th February.

3. The total number of suits pending on the 1st April 1867 was 416, of which 320 were original suits, and 96 were appealed suits. From 1st April 1867 to 31st March 1868, 232 suits were instituted in the Courts of first instance, and 202 in the Appellate Courts; total 434—showing an aggregate of 552 original suits and 298 appeals; grand total, 850.

4. Of the original suits, 364 were decided in favor of Government, 39 were compromised, and 71 were decided against Government; total decided, 474; pending, 78. Of the 71 adverse decisions, 52 were appealed on behalf of Government, and in 23 cases the decisions of the Lower Courts have been reversed, the actual number lost being 48.

5. Of the appeals, 107 cases were decided in favor of Government, 41 against it, and 12 cases have been remanded; total decided, 160; pending, 138. The total number of Judgments favorable to Government is 491, against 89 unfavorable; and the number of cases pending on the 31st March 1868 was 216. In 19 cases the Government was cast both in the Courts of first instance and in appeal.

6. The following Table gives a comparative view of the results of the litigation in which Government was concerned during the year under review and the last preceding year :—

	1866-67.												1867-68.											
	Government Plaintiff or Appellant.						Government Defendant or Respondent.						Government Plaintiff or Appellant.						Government Defendant or Respondent.					
	Total number of cases pending	Decided in favor of Government.	Decided against Government.	Total decided.	Percentage of cases decided in favor of Government.	Percentage of cases decided against Government.	Total number of cases pending.	Decided in favor of Government.	Decided against Government.	Total decided.	Percentage of cases decided in favor of Government	Percentage of cases decided against Government.	Total number of cases pending	Decided in favor of Government.	Decided against Government.	Total decided.	Percentage of cases decided in favor of Government	Percentage of cases decided against Government	Total number of cases pending	Decided in favor of Government.	Decided against Government.	Total decided.	Percentage of cases decided in favor of Government.	Percentage of cases decided against Government.
Original Suits ...	32	18	6	24	75	25	633	167	114	281	59¾	40¾	21	18	1	19	94¾	5¼	531	346	70	416	83	17
Regular Appeals ...	53	15	9	24	62½	37½	159	86	13	99	86¾	13¼	76	32	20	52	61½	38½	142	57	18	75	76	24
Special Appeals ...	3	1	2	3	33¼	66¾	96	70	2	72	97¼	2¾	1	...	...	...	...	...	66	15	2	17	88¼	11¾
Summary Appeals ...	4	1	2	3	33¼	66¾	8	2	1	3	66¾	30¼	1	...	...	...	...	...	12	3	1	4	75	25

7. The amount expended in litigation during the year is Rs. 1,46,348 in the Land Revenue Department, Rs. 1,496 in the Salt Department; total Rs. 1,47,844.

8. The amount realized under decrees of Court was Rs. 38,897 in the Land Revenue Department, Rs. 592 in the Salt Department; total Rs. 39,489.

9. The outstanding balances due to Government are as under:—

	Rs.
Revenue decrees	65,146
Salt decrees...	61,913
Opium decrees	2,813
Total Rs. ...	1,29,872

10. Some explanation is necessary regarding the large increase in the amount expended in litigation in the year under review as compared with the year 1866-67. I find that a sum amounting to Rs. 87,931 had to be paid in a single decree for mesne profits passed by the Judge of Backergunge. This was in the Soonderbuns case of Debnath Roy *versus* Government. Again, Rs. 7,843 were paid on account of decrees given against Government in the Jessore Courts, but all refer to previous years, as there was only one case decided in Jessore during the present year, and that was in favor of Government.

	Rs.
1866-67 ...	45,712
1867-68 ...	1,47,844

Besides the above, there has been a considerable increase in the miscellaneous disbursements of the 24-Pergunnahs Collectorate, of which an explanation will be called for.

	Rs.
1866-67 ...	1,584
1867-68 ...	14,103

11. The subjoined Statement will show the details of the outstanding balances due to Government.

	Rs.
Amount under realization by attachment and sale of debtors' property ...	15,378
Under enquiry for debtors' property	20,963
Amount deposited in the Civil Court	2,061
Execution suspended pending review and appeals	12,609
Irrecoverable, the debtors having no property	14,237
Total outstanding, Rs. ...	65,248

12. Considering the comparatively small amount realized during the year under review, it does not seem that Collectors of Districts have paid a proper attention to the Circular Order of the Board of Revenue (No. 3 of August, 1867), which was issued upon the suggestions of my predecessor, as contained in the 13th paragraph of last year's Report. I would note that the heaviest outstanding balances are to be found in the following Districts :—

Districts.	Outstanding.		Realized.
	Rs.		Rs.
Bancoorah	13,940	against	15,139
Burdwan	5,787	"	7,796
24-Pergunnahs	5,182	"	2,955
Soonderbuns	5,217	"	749
Midnapore	3,894	"	1,950
Shahabad	3,742	"	391
Nuddea	2,498	"	87
Rajshahye	2,054	"	22
Hooghly	2,236	"	1,495

Though the outstanding balances in favor of Government are not heavy in the following Districts, the subjoined Statement will show what very little exertion seems to have been made by Collectors in realizing the amounts that are due.

Districts.	Total amount due to Government under decrees.	Realized.
	Rs.	Rs.
Patna	1,851	102
Sarun	3,975	80
Bhaugulpore	1,379	..
Jessore	1,858	...
Gowalpara	1,014	12
Cuttack	101	5

The Districts showing the best returns under this head are as follows:—

Districts.	Total due up to 31st March, 1868.			Realized.		
	Rs.	A.	P.	Rs.	A.	P.
Malda	517	14	0	517	14	0
Dacca	4,805	7	0½	3,772	9	5
Sylhet	1,510	7	3	1,011	5	6
Mymensingh	5,396	0	1	4,023	12	4
Chittagong	4,930	11	1	3,521	7	10
Tipperah	336	8	9	336	8	9
Bullooah	830	4	10	598	4	6
Hazareebagh	96	7	3	84	4	0
Maunbhoom	5,833	4	3	3,734	6	0
Durrung	73	0	0	50	0	0
Darjeeling	10	0	0	10	0	0

13. The outstanding balances due to Government under Salt and Opium decrees are still very heavy. The explanations on this head given in Mr. Cockerell's Report are still applicable, but I ascertain from the 4th Quarterly Statement of the Collector of the 24-Pergunnahs, that Rs. 11,833, in connection with Salt decrees, have been recommended for remission as beyond all hope of recovery. This sum has not yet been struck off. In the Opium Department no sums were realized during the present year, and explanations seem necessary from the Officers at the head of that Department.

14. I append a summary of some of the more important cases in which Government was interested, decided in the course of the year, and which seem to me to deserve notice.

GOVERNMENT

versus

MESSRS. GORDON, STUART & Co.

15. A contractor of the name of Croft had entered into a contract with the Government to construct a Railway feeder for 17 miles, extending from Choadanga to Meherpore, in the Nuddea District. In the agreement executed there were various stipulations as to the quantity of bricks to be expended in the metalling of the Road, the amount of Coal to be used in burning the bricks, and the time within which the work was to be done.

16. Croft received large advances from Government, and purchased a considerable quantity of Coal from Messrs. Gordon, Stuart and Co., the Agents of the Bengal Coal Company. The Coal was delivered at the Choadanga Station, on the line of the Eastern Bengal Railway.

17. During the progress of the work, Croft, the contractor, absconded. The defendants claimed the Goal deposited at Choadanga, and the Government did the same, and eventually the latter instituted a suit, on the ground that by the contract Croft had agreed to deliver certain quantities of Coal in four instalments, for which he had received advances, and having done so. the Government had a lien upon the Coal deposited at Choadanga.

18. The Officiating Judge of Nuddea, holding that as the Coal had been delivered to the contractor by the defendants, their right to a stoppage *in transitu* had ceased, gave a decree in favor of Government. The defendants appealed to the High Court, who reversed the Judge's decision, holding that Croft was not a servant of Government, but an independent contractor who had agreed to do a certain work by a certain time; that, to ensure the completion of the Road in a satisfactory manner, the Government had insisted upon the insertion of certain stipulations as to the amount of Coal to be used, &c., but that such stipulations did not in any way alter the position of the contractor, or give Government a lien upon the materials he had accumulated for the construction of the Road. The right of Government against Croft was no more than that of a creditor; and, as such, they had no right to detain or take the Coal out of the possession of the defendants.

19. It seems to me the Government claim was altogether untenable. The defendants could retain possession of the Coal against every claimant but Croft.

TEKAIT POKHARUN SING

versus

GOVERNMENT.

20. In this case the plaintiff sued the Government and Rajah Joy Mungul Sing to recover possession and obtain the settlement of two mouzahs constituting a ghatwalee tenure. This tenure had been resumed by Government under Regulation II, 1819. After resumption, temporary settlements were made of the lands, of which the former holder of the tenure had a share. On the renewal of these leases, security was demanded from the former holder, and on refusal to give it, the farming leases were granted to other parties. Subsequently a permanent settlement was concluded by the Government with Rajah Joy Mungul Sing, and upon this the plaintiff, as cousin and heir of the original Tekait, sued, claiming as a right that the settlement made with the Rajah be set

aside, and that a permanent settlement be concluded with him. The main ground of his contention was, that the settlement of such resumed ghatwalee jagheers had always been made with the ghatwals in possession, and upon this ground the Principal Sudder Ameen decided in the plaintiff's favor.

21. The Government appealed against this Judgment to the High Court. Objections were taken in bar which it is not necessary to detail, as they were overruled. Upon the merits, we wholly impugned the correctness of the Lower Court's decision. We showed that, during all the various temporary settlements of the villages, there had been no reservation of *malikana* rights in the plaintiff's favor; that security had been demanded from him as from other parties who had taken farming leases; and that plaintiff, by virtue of his position as a dispossessed jaghirdar, had no inherent right to claim the settlement in permanency.

22. The High Court decreed our appeal, holding that, even if the plaintiff ever had any legal right to the settlement as proprietor, the suit to enforce such right was barred by limitation; at the same time, a very strong opinion was expressed by the Court that the plaintiff never had any right to maintain an action in the Civil Court to compel Government to make a settlement with him.

23. The decision is of importance, as laying down a ruling for cases which not unfrequently arise on the part of claimants against Government for settlement of lands as their right. The practice of the Revenue Authorities has nearly always been to treat old proprietors or possessors of resumed lands with consideration and indulgence, and to make settlements with them in such cases; but it is as well to have it authoritatively decided that what is often granted from pure motives of favor, cannot be insisted upon as a right which must be recognized.

BUKHOREE SING

versus

GOVERNMENT & OTHERS.

24. The plaintiff had absconded to evade a Warrant issued against him in the Criminal Department. His property was in consequence attached; and, as the defendant failed to surrender himself within two years after the said attachment of the property, it was sold under Section 185 of the Criminal Procedure Code.

25. Subsequently the plaintiff came in, and on trial was discharged. Thereupon he instituted a suit against Government for the recovery of his property, and obtained a decree in the Court of first instance. Government appealed, and the Judge reversed the Lower Court's Judgment, holding that such a suit could not be maintained under Section 185; and the High

Court, in special appeal, upheld this decision, ruling that the plaintiff had no right, whether under the old or new Law, to institute a Civil action, and to make Government and the purchaser of his property parties to it, and to seek to reverse the sale of a property legally carried out under the provisions of the Law applicable to the case.

26. Any opposite ruling would clearly have been against the interests of justice. An offender might calculate on an absence of two years to diminish materially the chances of a conviction, and would in all cases run the risk, with a chance eventually of recovering his property by Civil suit.

PEAREE MONEE DASSEE

versus

COLLECTOR OF BEERBHOOM.

27. The point decided in this case in favor of Government was, that a sale in execution of decree for costs is not cancelled when that part of the decree which made the plaintiff answerable for costs is set aside. It is in accordance with decisions given in the English Law Reports, that if a sale takes place in execution of a decree in force and valid at the time of sale, the property in the thing sold passes to the purchaser; and if the decree or judgment be afterwards reversed, the reversal does not affect the validity of the sale or the title of the purchaser.

MR. JAMES ERSKINE,
and afterwards;
MR. W. FARQUHARSON ... } ... *Plaintiff,*

versus

GOVERNMENT & OTHERS.

28. This case related to ghatwalee lands in the Bancoorah District. The plaintiff, holding a putnee under the Maharajah of Burdwan, sued to recover possession of nearly 2,000 biggahs of land by ejectment of the defendant (ghatwal), on his refusal to come in after notice and give a kabooliut for enhanced rent. It was alleged that these lands were held by the defendant without any right, under the pretence that they were a portion of his ghatwalee tenure, whereas the defendant was entitled as a ghatwal to 100 biggahs only.

29. The defendant set up a title as ghatwal to the whole mouzah.

30. The case was tried in the first instance by the Principal Sudder Ameen of West Burdwan, who held that the plaintiff's claim was barred by limitation, inasmuch as neither the plaintiff, nor any person through whom he claimed, had been in possession of the land in dispute since 1811. Upon regular

appeal, the High Court reversed this finding, and remanded the case to be tried on its merits, considering that this was the case of a tenant who had been permitted to extend his holding, and that when the putneedar of the talook sued to assert his proprietary right, no plea of limitation could be raised on the ground that the tenant's possession had been an adverse possession.

31. On remand, the case was taken up by the Zillah Judge. It was found as a fact that the land in dispute was in the zemindary of the Rajah of Burdwan, and within the putnee talook held by the plaintiff; and, further, the relationship of landlord and tenant between the plaintiff and defendant was found to exist, and was not disputed; but the Judge ruled that the plaintiff had failed to prove his right to assess any portion of these lands, inasmuch as they were shown to have been held by the defendant time-out-of-mind under good title as a ghatwalee tenure.

32. The High Court, on the second appeal, confirmed this decision, and dismissed the plaintiff's suit.

33. The evidence on which the plaintiff relied to show that the defendant's holding extended only to 100 biggahs at a quit-rent of Rs. 51-8, was contained in certain ismnavisee papers. These were returns made by Police Officers to a Magistrate in the years 1811, 1812, and 1813, but, in the absence of all satisfactory proof as to whence the information contained in these papers was derived, the Court rejected them as insufficient to establish the plaintiff's plea.

34. Proof had been given by the defendant that all the lands in the tenure had been held by the ghatwals at a uniform payment of rent from the time of the permanent settlement, and upon this it was held that, whether he came under Sections 3 and 4, or under Sections 15 and 16, Act X, 1859, his rent could not be enhanced.

35. It was further ruled that, when it was admitted that the ghatwal defendant's tenure dated from a time anterior to the decennial settlement, and before the creation of the zemindary, the defendant was protected, whether under Section 3 or under Section 15, Act X, 1859, from any fresh assessment.

36. The Court also decided that sixty years' possession on the part of the defendant was a bar under Clause 3, Section 3, Regulation II, 1805, not only to past arrears of rent, but to future assessment.

37. The plaintiff only obtained the putnee within a year or two previous to the institution of the suit. None of their predecessors, nor the Rajah of Burdwan, the zemindar, had ever questioned or contested the defendant's ghatwalee right in the above mouzah.

38. There were eleven analogous suits disposed of under this decision which have been appealed home to the Privy Council.

39. The case was of importance, as the decision of the Court in the rejection of the ismnavisee papers was opposed to the view taken by the Sudder Court as to the weight and value of similar evidence in another suit of the same kind.

40. It is a question how far Government is concerned in interfering in cases of this nature. They applied in this instance to be made a party to the suit, and supported the defendant's case. The loss of the ghatwals' claim would have involved Government in a heavy portion of the costs of the litigation; while the Government's interest in the success of the ghatwals to hold a larger extent of land is very remote, for the service due at the hands of the ghatwals would have to be equally rendered, whether the tenure was one of 100 biggahs or of a larger area.

RAJAH RAJKISHEN SING SURMGUN BAHADOOR

versus

GOVERNMENT.

Suit laid at Rs. 99,000.

41. This is known as the Shosung case. The plaintiff sued to set aside a survey award, and to obtain a declaration of his right to certain hills, villages, and hamlets as part and parcel of his Pergunnah Shosung in Zillah Mymensingh. He claimed to hold the property in dispute, which is a large tract of country, comprising about 450 square miles, as his ancestral Raj, and the suit was brought upon the action of the Collector of Mymensingh, who, upon the proceedings of the Revenue Survey of the District, had laid down the northern boundary of Pergunnah Shosung according to a line running to the base of the Garrow Hills. The plaintiff claimed that the boundary of the pergunnah lay many miles further north.

42. The Government of Bengal, acting under the provisions of Section 8, Regulation X, 1822, had, before the institution of this suit, directed the separation of the disputed tract from the estate of the plaintiff, adopting the boundary line of the Survey Authorities; and, on the institution of the suit, the Government simply pleaded that, under the 2nd Clause of Section 8, the suit was not cognizable by the Civil Court. The plea prevailed in the Court of first instance (the Deputy Commissioner of Goalpara), and the plaintiff's suit dismissed. In appeal to the High Court, the order was reversed, the Judges being of opinion that Regulation X, 1822, did not give Government the power it claimed as regards the disputed tract of country, because such action was limited by the Regulations to the three Thannah jurisdictions in Rungpore

specified in Section 2. The case was accordingly remanded to be tried on its merits, and was transferred to the Judge of Mymensingh, who decided in favor of the Rajah, declaring that the survey line was not the northern boundary of Pergunnah Shoshung in Mymensingh, and declaring that the plaintiff had proved his title and right to the lands claimed.

43. Against this decision the Government appealed. We contended that the plaintiff had given no proof that the lands in suit were part of the zemindary settled with the Rajah's ancestors at the time of the decennial settlement, and that the evidence put in by him of the collection of certain cesses from the inhabitants of this tract of the country was not of a kind to establish a proprietary right on his part.

44. The Judges differed. The Junior Judge holding that the acts of possession proved by the zemindar were sufficient to entitle him to a decree, being mere acts of easement independent of possession. The Senior Judge, whose decision prevailed, decided that the appeal of Government must be dismissed with costs, on the ground that the evidence, documentary and oral, sufficiently established that the Rajah of Shoshung had for generations exercised, in the disputed tract of country, a right partly feudal and subject to fluctuations and impediments; and that evidence, looking to the nature of the suit, was both credible and sufficient to establish his claim.

45. The case then went to a Bench of three Judges, on further appeal by the Government, and after a lengthened hearing the Court confirmed the view of the construction of Regulation X, 1822, which had been already laid down by a Divisional Bench; and upon the merits, a majority of two decided that the estate settled with the Rajah's ancestors was co-extensive with Pergunnah Shoshung, that the quinquennial papers and documents filed in the suit clearly showed that the Rajah had long had rights of some kind in villages north of the survey line, and that those survey proceedings were arbitrary and irregular; but as the Rajah had not given proof that he was entitled to all the lands claimed up to the line set forth by him, he only obtained a declaratory decree, to the effect that he was not bound by the result of the survey proceedings. The third Judge, generally concurring in the above, thought the Court would be justified in declaring the villages named in the old papers to be part of Pergunnah Shoshung. But in this he was in a minority.

46. The position then of the boundary line of the Shoshung Estate remains undecided; and, in the view that the title claimed by the Rajah cannot be substantiated by him, and that what rights he has acquired are the result only of successful usurpations and encroachments, it is proposed to make an appeal against the decision of the High Court to Her Majesty's Privy Council. An opportunity will thus be afforded of raising again the important question

as to the construction of Regulation X, 1822, a decision upon which by the highest and last authority would seem necessary, even if against the contentions of Government, as a preliminary to further legislation. It is also proposed to urge in the appeal that the case, as presented on the pleadings and in the facts in evidence, is one in which the plaintiff was not entitled to any present declaration of right, and that if he were, the right as disclosed is too extensive and too uncertain.

CHUTTER LALL SING

versus

THE GOVERNMENT.

47. I give a summary of this case, as one of importance to Executive Officers in their dealings in connection with unclaimed property. The plaintiff sought to recover from Government as damages value of certain timber which had been washed on to his zemindary by the floods on the Soane. It was taken possession of by an officer of Government as unclaimed property, and plaintiff sought not only to recover its value, but to have his right declared, as against Government, to all timber that might be washed on to his estate in a similar manner.

48. It was held that the suit was rightly brought in the Civil Court; that timber claimed by a landowner as having been washed on to his estate by a river is *not unclaimed property, within the meaning of Section* 25 *and the following Sections of Act V (B.C.) of* 1861; that rights to wreck and other things, which belong to the Crown by virtue of its prerogative, may be, and frequently are, claimed by the lords of manors as being appurtenant to their manors; and that, in support of such a claim, it is not necessary to prove an actual grant, but the claim may be established by long-continued and adverse assertion of a right and enjoyment of property under such claim.

49. The case was remanded to the lower Court to try whether the plaintiff had or had not made out any such right as that claimed by him in this case.

50. This Report embraces only 2½ months of my own tenure of the office of Legal Remembrancer, and I have a difficulty, therefore, in complying as fully as I could have wished with the orders laid down in paragraphs 14 and 15, Chapter III, Section V of the Rules of the Board of Revenue. It seems that in nearly every District more attention is necessary on the part of Collectors to the early and careful preparation of Government cases. Writing, as I am doing, some months after the close of the year to which this Report refers, I may be judging partly from what has come under my notice since the close of the year 1867-68. And I am unwilling, therefore, to particularize cases in which delays and carelessness, to the detriment of Government interests, have

occurred. I am certainly of opinion that some change in the present system of procedure would be of advantage, and especially in cases connected with the Court of Wards. When a suit has been instituted against the Court of Wards, the following process, involving very long delays, has to be adopted. The manager in charge of the estate has to be in the first instance consulted as to the facts upon which the reply shall be based. The reference to zemindary records, very often mislaid and very often in great confusion, the reports to the Collector, the consultation with the local Government Pleader, and the submission of the whole correspondence to the Commissioner, take up in most cases all the time that the Court will allow before the hearing of the suit. If no extension is granted, the reply has to be put in without a reference to this office; or, if the case comes before me at all, it is that I am called upon at a day's notice to express an opinion as to the validity and sufficiency of a line of defence which requires a careful perusal of a large bundle of papers. It is difficult to suggest any remedy as the rules now stand, though, in my own opinion, it would be an improvement upon the present practice if Collectors were, in all cases in which Government was a defendant, to correspond directly with this Office, without the intervention of the Commissioner of the Division.

51. I would also point out the desirability of drawing the attention of Collectors of Districts very prominently to the fact that they are answerable exclusively for the facts of every case in which Government is concerned as a party in a suit: it is impossible for this Office to undertake this responsibility. In defended actions, I am afraid, it is too often the case that the draft of reply prepared by the Government vakeel is simply translated in the Collector's Office and forwarded for approval. Cases have come before me in which, at the trial of the suit, not any of the facts upon which the defence of the case was approved could be substantiated, and in all these legal proceedings my experience is, that a little careful attention in the initiatory steps of the litigation saves an infinity of trouble in its later stages.

52. I would notice that, in the Chittagong Division, Collectors have apparently been acting for a long time without any regard to the requirements of the Civil Suit Rules as laid down by the Board. The present Officiating Commissioner of the Division has introduced a satisfactory reform in the matter. The distance of all these Districts from the Presidency makes a timely reference to this Office a matter of great difficulty.

53. The same remark applies, in a measure, to the Collector of Tirhoot. The delays in submission of papers from his Office have not been unfrequent.

54. I am glad to call to the Board's favorable notice the name of Mr. A. Gomess, the Commissioner of the Soonderbuns. All his cases (and some have been very heavy ones) are most carefully prepared and punctually reported.

55. Praise is due to Mr. D'Oyly also, the Officiating Collector of Bhaugulpore, for his attention to Government cases in that District. He enjoys the advantage of having a very efficient Government Pleader in Mr. J. Baptist.

56. I find, too, from the records of cases in the past year, and from my own experience during my incumbency, that the following Government Vakeels are deserving of favorable mention :—

Baboo Sushee Bhoosun Mookerjee, of Beerbhoom.
„ Eshan Chunder Mitter, of Hooghly.
„ Hungsheshur Mookerjee, of Maunbhoom.

57. I may have overlooked the claims of others from my necessarily imperfect information as to proceedings of the Department during the year under review.

58. I regret to report a systematic failure on the part of Baboo Chunder Nath Chatterjee, the Government Vakeel of the 24-Pergunnahs, in the regular submission of his periodical returns and statements. I have issued orders which will effect an amendment.

59. I have seen very little of the work of Mr. C. B. de Verinne, the Government Pleader at Purneah, but there have been occasions in which his inattention to the orders and requisitions from this Office has been noticed.

60. The following changes have taken place in the appointment of Government Pleaders during the year under review :—

Baboo Denonath Sircar was appointed Government Pleader at Cuttack, in the room of Baboo Sreeram Shome, deceased.

Baboo Dhursun Lall at Patna, in the room of Munshi Thakoor Pershad, resigned.

Baboo Rajonikant Banerjee at Shahabad, in the room of Munshi Mahomed Zohur Alum, resigned.

61. Fifteen cases only were referred to this Office for opinion from the Public Works Department, and the only case of any consequence is the Choangah Coal case, which has been noticed in this Report.

I have the honor to be,

SIR,

Your most obedient Servant,

RIVERS THOMPSON,

Offg. Supdt. and Rembr. of Legal Affairs.

STATEMENTS FOR THE YEAR 1867-68.

A.

Cases instituted to establish some substantial right.

1	2							3							4							5						
	Suits to establish a title to hold land rent-free or at a fixed assessment.							Suits for land, or for the rent of land arising out of Settlement Proceedings.							Suits to establish a title to engage for lands under Settlement.							Suits to establish a title to vacant possession, and properties claimed by, or escheated to, Government.						
	Total.	Decisions. Favorable.		Decisions. Unfavorable.		Pending.		Total.	Decisions. Favorable.		Decisions. Unfavorable.		Pending.		Total.	Decisions. Favorable.		Decisions. Unfavorable.		Pending.		Total.	Decisions. Favorable.		Decisions. Unfavorable.		Pending.	
	No.	No.	Rs. A. P.	No.	Rs. A. P.	No.	Rs. A. P.	No.	No.	Rs. A. P.	No.	Rs. A. P.	No.	Rs. A. P.	No.	No.	Rs. A. P.	No.	Rs. A. P.	No.	Rs. A. P.	No.	No.	Rs. A. P.	No.	Rs. A. P.	No.	Rs. A. P.
High Court Appeals	...	...	...	...	...	...	...	1	...	...	1	99,000 0 0	...	...	1	...	...	...	...	1	2,521 8 0	2	..	...	...	...	2	16,00,000 0 0
Zillah Appeals ...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	5	2	3,075 0 0	2	699 0 0	1	1,230 12 0	3	...	...	3	4,691 13 0	...	...
Original Suits ...	1	1	400 0 0	...	...	...	...	1	...	...	...	...	1	1,145 0 0	2	2	1,280 1 0	...	...	..	...	11	7	5,857 9 0	...	...	4	7,610 5 0
Total ...	1	1	400 0 0	...	...	...	...	2	...	...	1	99,000 0 0	1	1,145 0 0	8	4	4,355 1 0	2	699 0 0	2	3,752 4 0	16	7	5,857 9 0	3	4,691 13 0	6	16,07,630 5 0

	6							7							8						
	Suits for reinstatement of office from which claimants have been dismissed by Local Agents or other Authorities.							Suits for the recovery of Salaries, Malikana, Pensions, Fees, &c.							Suits for the recovery of sums unjustly realized for the recovery of rents unduly levied, or for the recovery of receipts for rents, or for exoneration from unjust demand.						
	Total.	Decisions. Favorable.		Decisions. Unfavorable.		Pending.		Total.	Decisions. Favorable.		Decisions. Unfavorable.		Pending.		Total.	Decisions. Favorable.		Decisions. Unfavorable.		Pending.	
	No.	No.	Rs. A. P.	No.	Rs. A. P.	No.	Rs. A. P.	No.	No.	Rs. A. P.	No.	Rs. A. P.	No.	Rs. A. P.	No.	No.	Rs. A. P.	No.	Rs. A. P.	No.	Rs. A. P.
High Court Appeals	...	...	.....	...	.....	...	.....	...	...	.....	...	.....	...	.....	2	..	.....	1	175 8 10	1	74 0 0
Zillah Appeals ...	...	...	.....	...	.....	...	.....	1	...	.....	...	.....	2	723 8 0	5	1	300 0 0	2	1,653 8 0	2	241 9 0
Original Suits ...	...	..	.....	...	.....	...	.....	2	...	.....	1	723 8 0	1	80 0 0	4	1	18 6 0	3	1,983 1 0	...	.....
Total ..	....	...	.....	...	.....	...	.....	3	...	.....	1	723 8 0	2	803 8 0	11	2	318 6 0	6	3,812 1 10	3	315 9 0

	9							10							11						
	Suits for Wasilat, or for the recovery of costs or surplus collections after an adjustment of accounts, or value of property or purchase money.							Suits to obtain possession of land, estates, or other property, or for the recovery of rents, or common or bond debts.							Suits in which Government has been made a defendant *pro forma*.						
	Total.	Decisions. Favorable.		Decisions. Unfavorable.		Pending.		Total.	Decisions. Favorable.		Decisions. Unfavorable.		Pending.		Total.	Decisions. Favorable.		Decisions. Unfavorable.		Pending.	
	No.	No.	Rs. A. P.	No.	Rs. A. P.	No.	Rs. A. P.	No.	No.	Rs. A. P.	No.	Rs. A. P.	No.	Rs. A. P.	No.	No.	Rs. A. P.	No.	Rs. A. P.	No.	Rs. A. P.
High Court Appeals	11	1	5,000 0 0	3	2,557 4 0	7	92,513 0 0	91	29	79,404 0 0	2	14,375 1 0	60	18,03,297 1 0	...	...	.....	...	.....	...	.....
Zillah Appeals ...	6	3	1,456 4 0	...	.....	3	6,036 4 0	116	65	34,255 15 0	18	11,448 3 0	33	12,355 11 0	...	...	.....	...	.....	...	.....
Original suits ...	28	17	32,614 3 0	3	7,494 7 0	8	26,256 11 0	404	270	2,21,138 3 0	78	26,268 2 0	56	2,46,539 8 0	1	1	19 6 0	...	.....	...	.....
Total ...	45	21	39,070 7 0	6	10,051 11 0	18	1,24,806 15 0	611	364	3,34,798 2 0	98	52,091 6 0	149	20,63,193 4 0	1	1	19 6 0	...	.....	...	.....

FORT WILLIAM,
The 22nd August, 1868.

RIVERS THOMPSON,
Offg. Supdt. and Remembrancer of Legal Affairs.

B.

Cases instituted to obtain redress for Official Acts

1	2									3										4										5									
	Suits for the reversal of Revenue Sales, on the plea of informality non liability, &c									Suits for reversal of Sales in execution of Decrees on the plea of informality non liability &c										Suits for the reversal of Sales of property pledged as security on the plea that the property sold was not liable or on other plea.										Suits to stay Revenue Sales or Sales in execution of Decrees, or Sales of property pledged as security									
	Total	Decisions						Pending		Total	Decisions						Pending			Total	Decisions						Pending			Total	Decisions						Pending		
		Favorable			Unfavorable						Favorable			Unfavorable							Favorable			Unfavorable							Favorable			Unfavorable					
	No	No	Rs	A	P	No	Rs	A	P	No	No	Rs	A	P	No	Rs	A	P	No	No	No	Rs	A	P	No	Rs	A	P	No	No	No	Rs	A	P	No	Rs	A	P	No	Rs	A	P
High Court Appeals																																							
Zillah Appeals	1	1	1,953	0	0					4	2	865	14	0	1	31	11	0	1	150	0	0																		
Original Suits	3	2	2 203	11	0	1	1 226	10	0	2	2	151	12	0							1	1	85	4	0															
Total	4	3	4 156	11	0	1	1 226	10	0	6	4	1 017	10	0	1	31	11	0	1	150	0	0	1	1	85	4	0													

1	6									7										8										9									
	Suits of third parties advancing claim to and attached or sold by Government as belonging to others									Suits improperly instituted against Officers over whom in their Official capacity the Civil Court has no jurisdiction										Suits to contest orders reversing Sales or regarding confirmation or quashing of Butwarrahs or the imposition of Fines.										Suits for damages on account of acts done by Revenue or other Officers									
	Total	Decisions						Pending		Total	Decisions						Pending			Total	Decisions						Pending			Total	Decisions						Pending		
		Favorable			Unfavorable						Favorable			Unfavorable							Favorable			Unfavorable							Favorable			Unfavorable					
	No	No	Rs	A	P	No	Rs	A	P	No	No	Rs	A	P	No	Rs	A	P	No	No	No	Rs.	A	P	No	Rs	A	P	No	No	No	Rs	A	P	No	Rs	A	P	No	Rs	A	P
High Court Appeals																														1								1	2 801	0	0
Zillah Appeals	3	1	720	0	0	1	720	0	0	1					1	239	8	0		6	1	1[illegible]4	11	0				4	52[illegible]	0	0	3	2 86[illegible]	13	0	2	8[illegible]7	6	0	2	749	6	0
Original Suits	16	11	2,369	2	0					1					1	239	8	0		7	3	16	1	0	4	2[illegible]2	1	0		28	12	24 113	0	0	16	16 935	1	0				
Total	19	12	3 089	2	0	1	720	0	0	6	15,864	11	0	1					12	4	341	12	0	4	52[illegible]	1	0	4	52[illegible]	0	0	36	15	26 348	13	0	18	17,812	7	0	3	3 550	6	0

FORT WILLIAM,
The 22nd August, 1868

RIVERS THOMPSON,
Offg Supdt and Remembrancer of Legal Affairs

C.

Cases in which Government is Plaintiff.

1	2							3							4						
	Suits to establish a title to assess or to levy an enhanced assessment.							Suits for recovery of sums misappropriated from Defaulters or their Sureties.							Suits for refund of money paid to parties not entitled to it.						
	Total.	Decisions. Favorable.		Decisions. Unfavorable.		Pending.		Total.	Decisions. Favorable.		Decisions. Unfavorable.		Pending.		Total.	Decisions. Favorable.		Decisions. Unfavorable.		Pending.	
	No.	No.	Rs. As. P.	No.	Rs. As. P.	No.	Rs. As. P.	No.	No.	Rs. As. P.	No.	Rs. As. P.	No.	Rs. As. P.	No.	No.	Rs. As. P.	No.	Rs. As. P.	No.	Rs. As. P.
High Court Appeals	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Zillah Appeals ...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Original Suits ...	...	...	...	...	...	...	...	2	2	70,683 3 0	...	...	...	...	...	...	...	...	...	...	...
Total ...	...	...	...	...	...	...	...	2	2	70,683 3 0	...	...	...	...	...	...	...	...	...	...	...

	5							6							7						
	Suits for the recovery of sums from parties or their Sureties for non-fulfilment of Contract.							Suits for possession of land, or the rent of land, or for the recovery of debts.							Suits to impose fines for the infraction of the Salt Laws.						
	Total.	Decisions. Favorable.		Decisions. Unfavorable.		Pending.		Total.	Decisions. Favorable.		Decisions. Unfavorable.		Pending.		Total.	Decisions. Favorable.		Decisions. Unfavorable.		Pending.	
	No.	No.	Rs. As. P.	No.	Rs. As. P.	No.	Rs. As. P.	No.	No.	Rs. As. P.	No.	Rs. As. P.	No.	Rs. As. P.	No.	No.	Rs. As. P.	No.	Rs. As. P.	No.	Rs. As. P.
High Court Appeals	1	...	...	1	8,000 0 0	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Zillah Appeals .	...	...	...	...	...	...	...	6	1	390 0 0	1	300 0 0	4	6,602 7 0	...	...	...	...	...	...	...
Original Suits ...	4	4	1,006 7 0	...	...	...	...	14	11	4,563 7 0	1	3,374 2 0	2	6,563 5 0	...	...	...	...	...	...	...
Total		4	1,006 7 0	1	8,000 0 0	...	...	20	12	4,953 7 0	2	3,674 2 0	6	13,165 12 0	...	...	...	...	...	...	...

FORT WILLIAM,
The 22nd August, 1868.

RIVERS THOMPSON,
Offg. Supdt. and Reembr. of Legal Affairs.

D.

GENERAL ABSTRACT STATEMENT of Suits in the Civil Court, in which Government is a party, disposed of and pending during the year 1867-68.

1	2.	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19
		ORIGINAL SUITS.								APPEALS.								
					DECIDED WITHIN THE YEAR.								DECIDED WITHIN THE YEAR.					
DIVISION.	COURT.	Number pending on the 31st March, 1867.	Number instituted from 1st April 1867 to 31st March, 1868.	Total.	In favour of Government.	Against Government.	Total.	Compromised.	Pending on the 31st March, 1868.	Number pending on the 31st March, 1867.	Number instituted from 1st April 1867 to 31st March, 1868.	Total.	In favour of Government.	Against Government.	Total.	Remanded.	Pending on the 31st March, 1868.	Number of cases which Government lost twice.
	HIGH COURT	...	...	...	...	...	...	...	...	38	88	126	33	9	42	6	78	...
PATNA ...	Patna ...	1	4	5	2	1	3	...	2	2	1	3	...	2	2	...	1	1
	Gya ...	...	2	2	2	...	2	...	...	2	1	3	1	...	1	...	2	...
	Sarun ...	...	3	3	3	...	3	...	...	...	...	...	...	...	...	...	...	...
	Shahabad ...	3	10	13	4	1	5	...	8	...	2	2	2	...	2	...	...	...
	Tirhoot ..	6	3	9	4	4	8	...	1	2	6	8	4	...	4	..	4	...
BHAUGULPORE	Bhaugulpore ...	3	2	5	2	1	3	...	2	2	1	3	...	...	...	...	3	...
	Monghyr ..	1	3	4	1	2	3	...	1	2	2	4	...	2	2	...	2	2
	Purneah ...	...	3	3	...	...	...	...	3	...	...	...	...	...	...	...	...	...
RAJSHAHYE...	Moorshedabad ...	28	6	34	9	25	34	...	...	1	22	23	17	4	21	...	2	4
	Rajshahye ...	...	5	5	1	...	1	4	...	...	1	1	...	1	1	...	...	...
	Pubna ...	1	3	4	...	...	...	1	3	...	2	2	2	...	2	...	...	...
	Rungpore ...	...	3	3	...	...	...	...	3	...	...	...	...	...	...	...	...	...
	Bograh ...	1	...	1	1	...	1	...	...	...	1	1	...	...	...	...	1	...
	Dinagepore ...	...	1	1	...	...	...	...	1	...	...	...	...	...	...	...	...	...
	Maldah .	1	1	2	1	...	1	...	1	...	...	...	...	...	...	...	...	...
BURDWAN ...	Burdwan ...	9	18	23	13	4	17	1	4	4	6	10	6	4	10	...	...	3
	Hooghly ...	12	25	37	16	8	24	6	7	3	4	7	2	3	5	1	1	2
	Bancoorah ...	199	9	208	198	1	199	3	6	7	5	12	11	...	11	1	...	...
	Beerbhoom ...	3	5	8	7	...	7	...	1	1	3	4	2	...	2	...	2	...
	Midnapore ...	4	3	7	5	...	5	1	1	3	5	8	3	4	7	...	1	4
PRESIDENCY...	Nuddea ...	4	8	12	7	3	10	1	1	2	7	9	...	2	2	...	7	...
	24-Pergunnahs ...	8	4	12	7	3	10	1	1	1	4	5	3	...	3	...	2	...
	Jessore ...	1	...	1	1	...	1	...	...	1	...	1	...	...	...	...	1	...
	Soonderbuns ...	4	2	6	4	1	5	...	1	1	...	1	...	1	1	...	...	1
DACCA ...	Dacca ...	3	25	28	15	2	17	2	9	1	6	7	1	...	1	..	6	...
	Furreedpore ...	4	2	6	4	2	6	...	...	2	2	4	...	...	...	..	4	..
	Sylhet ...	7	18	25	10	2	12	8	5	3	8	11	5	2	7	...	4	1
	Mymensing ...	2	14	16	9	1	10	1	5	6	5	11	5	1	6	1	4	.
	Backergunge ...	5	9	14	2	4	6	4	4	2	6	8	1	1	2	...	6	...
CUTTACK ...	Cuttack ...	1	1	2	2	...	2	...	...	...	...	...	...	...	...	...	...	...
	Balasore ...	...	1	1	1	...	1	...	...	...	...	...	...	...	...	..	...	...
	Pooree ...	...	1	1	...	1	1	...	...	...	...	...	...	...	...	...	...	...
CHITTAGONG	Chittagong ...	5	12	17	14	2	16	...	1	2	7	9	1	2	3	...	6	...
	Tipperah ..	3	1	4	3	...	3	...	...	2	...	2	1	1	2	...	...	...
	Bullooah ...	2	7	9	1	...	4	4	1	2	2	4	2	1	3	...	1	1
CHOTA NAGPORE ...	Hazareebaugh ...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
	Lohardugga ...	...	4	4	1	...	1	...	3	4	3	7	3	1	4	3	...	...
	Manbhoom ...	3	10	13	7	3	10	...	3	...	...	...	...	...	...	...	...	...
ASSAM ...	Cossya & Jyntea ...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
	Durrung ...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
	Kamroop ...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
	Luckimpere ...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
	Nowgong ...	...	4	4	3	...	3	1	...	...	2	2	2	...	2	...	...	...
	Seebsaugor ...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
COOCH BEHAR	Darjeeling ...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
	Gowalpara ...	1	...	1	1	...	1	...	...	...	...	...	...	...	...	...	...	...
	Western Dooars ...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
	TOTAL ...	330	232	552	364	71	435	39	78	96	203	299	107	41	148	12	139	19

FORT WILLIAM,
The 22nd August, 1868.

RIVERS THOMPSON,
Offg. Supdt. and Rembr. of Legal Affairs.

E

STATEMENT shewing the amount expended in litigation, as contrasted with the sums actually realized by Government under Decrees of Court in the Revenue Department, from 1st April 1867 to 31st March, 1868.

Division.	Zillah.	Nature of Receipts. Sums awarded in favour of Government in Regular Suits.	Costs awarded in Revenue of Government, whether in actions for or against Government.	Costs in Privy Council Appeals realized.	Costs in Pauper Suits realized, exclusive of Stamp Fees.	Costs in all other cases realized.	All sums otherwise realized in Judicial Proceedings	Total.	Nature of Disbursements. Amount including costs awarded against Government in Regular Suits.	Amount expended in prosecution of Suits in Court.	Amount expended in defence of Suits in Court.	Amount advanced in Privy Council Appeals.	Amount advanced in Pauper Suits, inclusive of Stamp Fees.	Miscellaneous Disbursements on account of Judicial Proceedings other than those above adverted to.	Total.
Patna	Patna	...	102 1 4	..	1 6	..	...	108 2 10	...	...	3,027 12 2	...	2 4 0	21 8 0	3,051 8 2
	Gya	400 0 0	1,181 5 1	...	...	...	...	1,581 5 1	..		382 6 3	...		17 10 11	400 1 2
	Sarun	...	80 15 6	...	...	...	...	80 15 6	...	.	888 11 0	...	0 8 0	11 0 0	900 3 0
	Shahabad	259 7 3	131 13 7	...	31 2 0	..	...	422 6 10	..		218 12 0	..	11 6 0		230 2 0
	Tirhoot	181 4 7			...	...	...	181 4 7	...	213 10 0	369 5 9	..	..	49 6 9	632 6 6
Bhaugulpore	Bhaugulpore				...	...	...		237 8 0	50 0 0	1 0 0	...		30 10 0	319 2 0
	Monghyr		431 2 0		..	..	65 10 0	496 12 0	.	49 0 0	1 8 6	...	50 2 6	183 3 9	283 14 3
	Purneah		304 13 4		...	...	37 4 0	342 1 4	...	..	118 8 9	...		...	118 8 9
Rajshahye	Moorshedabad		574 8 6	...	88 13 9	...	...	663 6 3	.	961 14 11	619 15 1	...	48 12 0		1,628 10 0
	Rajshahye	.	22 10 0	...	51 6 0	...	...	74 0 0	1,102 15 0	...		...	84 10 0	173 3 3	1,360 12 3
	Pubna	.	479 11 7	...	...	...	...	479 11 7	1,163 13 2	..	344 1 5	...		3 0 0	1,510 14 7
	Bungpore	..	1 1 0	..	..	...	.	1 1 0	..	.	50 8 0	...	...	...	50 8 0
	Bograh	..	103 7 8	...	...	...	.	103 7 8	104 10 6	...	171 7 0	...	...	..	276 1 6
	Dinagepore	..	.	...	.	...	...		.	..		.	..	..	
	Maldah	290 5 0	227 9 0	...	...	...	394 9 5	912 7 5	..	...	439 14 6	...	..	752 9 9	1,192 8 3
Burdwan	Burdwan	1,908 12 5	108 9 4	...	54 15 3	...	...	2,064 5 0	375 5 0	26 8 0	3 7 0	..	308 13 0	144 9 7	856 9 7
	Hooghly	...	1,495 5 5	...	923 9 6	.	..	2,418 14 11	...		639 12 2	...	..	216 15 0	1,056 11 2
	Bancoorah	...	2,098 10 2	...	.	...	..	2,098 10 2	278 12 3	5 0	64 13 1	...	...	48 0 0	394 14 4
	Beerbhoom	12 1 0	11 8 0	...	39 0 0	..	0 6 9	62 15 9		45 13 0		...	157 6 0	25 14 0	229 1 0
	Midnapore	497 0 5	1,058 2 2	...	...	...	395 6 3	1,950 8 10	2,603 8 4	..	52 1 0	...	...	...	2,655 9 4
Presidency	Nuddea	...	87 6 2	...	30 14 6	...	...	118 4 8	400 0 6	1 4 2	...	...	4 10 0	3 0 0	407 14 8
	24-Pergunnahs	..	2,955 13 8	...	96 14 6	..	...	3,052 12 2	...	968 15 3	2 8 0	...	618 15 0	14,103 1 7	15,693 7 10
	Jessore	...		...	...	...	.		7,845 8 9	149 15 0	1 10 0	...	.	220 0 0	8,215 1 9
	Soonderbuns	...	749 11 9	...	...	...	...	749 11 9	241 10 6	..	2,324 4 6	400 0 0	.	83 7 9	3,049 6 0
Dacca	Dacca	3,385 10 11	386 14 6	...	..	...	...	3,772 9 5	...	596 7 7	1,990 10 3	...	...	...	2,586 1 10
	Furreedpore	...	792 5 1	...	..	...	...	792 5 1	168 1 6	..	391 10 0	...	4 2 0	—	563 13 6
	Tylhet	...	900 1 3	...	6 0 0	...	204 5 6	1,110 6 9	463 9 1	105 0 0	127 2 0	..	...	1,094 13 9	1,790 6 10
	Mymensingh	...	4,023 13 4	...	...	...	...	4,023 13 4	.	99 6 0	...	.	0 8 0	...	99 14 0
	Backergunge	577 12 4½	74 1 4½	...	...	...	...	651 13 9	87,931 7 9	388 9 7	291 0 0	...	...	19 10 0	88,630 11 4

STATEMENT shewing the amount expended in litigation as contrasted with the sums actually realized by Government under Decrees of Court in the Revenue Department, from 1st April 1867 to 31st March 1868.—(Continued.)

Division.	Zillah.	Nature of Receipts. Sums awarded in favor of Government in Regular Suits.	Costs awarded in favor of Government, whether in actions for or against Government.	Costs in Privy Council Appeals realized.	Costs in Pauper Suits realized exclusive of Stamp Fees.	Costs in all other cases realized.	All sums otherwise realized in Judicial Proceedings.	Total.	Nature of Disbursements. Amount including costs awarded against Government in Regular Suits.	Amount expended in prosecution of Suits in Court.	Amount expended in defence of Suits in Court.	Amount advanced in Privy Council Appeals.	Amount advanced in Pauper Suits, inclusive of Stamp Fees.	Miscellaneous Disbursements on account of Judicial Proceedings other than those above adverted to.	Total.
Cuttack	Cuttack	...	5 0 0	...	9 7 0	...	315 6 1	329 13 1	...	124 1 0	0 8 0	6 12 0	7 11 0	6 3 0	145 3 0
	Balasore	...	...	...	10 8 0	...	...	10 8 0	...	...	...	...	...	...	...
	Pooree	...	1 12 0	...	...	...	...	1 12 0	205 13 10	182 12 0	...	...	6 15 2	...	395 9 0
Chittagong	Chittagong	...	3,521 7 10	...	...	...	...	3,521 7 10	...	61 10 6	3 15 0	...	...	294 2 3	359 11 9
	Tipperah	...	336 8 9	...	...	...	...	336 8 9	1,720 7 1	821 8 [illegible]	270 5 0	...	...	...	2,812 4 2
	Bullooah	...	583 15 3	...	...	14 [illegible] 3	11 8 0	609 12 6	...	889 14 9	...	...	25 11 6	0 4 0	952 14 3
Chota Nagpore	Hazareebagh	...	84 4 0	...	...	...	...	84 4 0	...	...	86 3 [illegible]	...	...	52 12 6	139 0 3
	Lohardugga	...	2,092 15 1	...	...	...	...	2,092 15 1	...	10 11 3	...	...	...	...	10 11 3
	Maunbhoom	...	3,734 6 0	...	...	...	...	3,734 6 0	921 10 10	1,308 14 0	716 1 2	...	...	...	2,946 10 0
	Singhbhoom	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Assam	Cossya & Jyntea	...	...	...	...	...	...	...	...	...	...	...	...	...	...
	Durrung	50 0 0	...	...	...	...	...	50 0 0	...	...	...	...	...	...	...
	Kamroop	...	...	...	...	...	...	...	...	...	...	...	...	...	...
	Luckimpore	...	...	...	...	...	...	...	...	...	...	...	...	...	...
	Nowgong	...	120 3 6	...	...	...	0 13 2	121 0 8	430 4 0	141 7 0	...	...	...	...	571 11 0
	Seebsaugor	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Cooch Behar	Darjeeling	...	10 0 0	...	...	...	...	10 0 0	...	...	10 0 0	...	...	...	10 0 0
	Gowalpara, &c.	...	12 15 6	...	...	...	...	12 15 6	...	0 8 0	...	...	...	...	0 8 0
	Western Dooars	...	...	...	...	...	...	...	...	...	...	...	...	...	...
	Total	7,563 5 11½	23,573 15 8½	...	1,346 12 0	14 5 3	1,425 5 2	39,227 12 1	1,06,183 2 1	7,210 3 1	13,808 12 10	406 12 0	1,328 5 2	17,554 1 1	1,46,491 4 3

FORT WILLIAM,
The 22nd August, 1868.

RIVERS THOMPSON,
Offg. Supdt. and Rembr. of Legal Affairs.

F.

STATEMENT shewing the Amount expended in litigation, as contrasted with the sums actually realized by Government under Decrees of Court in the Salt and Opium Departments, from 1st April 1867 to 31st March 1868.

	Nature of Receipts.						Nature of Disbursements.					Remarks.
	Sums awarded in favour of Government in Regular Suits.	Costs awarded in favour of Government whether in actions for or against Government.	Fines and penalties realized through the intervention of the Courts of Justice.	Costs in all other cases realized.	All sums otherwise realized in Judicial Proceedings.	Total.	Amount, including costs, awarded against Government in Regular Suits.	Amount expended in prosecution of suits in Court.	Amount expended in defence of suits in Court.	Miscellaneous disbursements on account of Judicial Proceedings other than those adverted to.	Total.	
Salt Department												
24-Pergunnahs Agency ..	..	590 11 2	..	..	..	590 11 2	..	1,493 13 9	..	..	1,493 13 9	
Chittagong ditto ..	..	2 0 0	..	..	..	2 0 0	..	..	..	2 12 0	2 12 0	
Total	..	592 11 2	..	..	..	592 11 2	..	1,493 13 9	..	2 12 0	1,496 9 9	
Behar Opium Agency ...	..	..	..	..	..	..	..	..	..	..	..	
Grand Total ...	..	592 11 2	..	..	..	592 11 2	..	1,493 13 9	..	2 12 0	1,496 9 9	

FORT WILLIAM,
The 22nd August, 1868.

RIVERS THOMPSON,
Offg. Supdt. and Remembr. of Legal Affairs.

G.

GENERAL ABSTRACT STATEMENT shewing the amounts decreed in favour of Government in the Revenue Department, realized and outstanding on the 1st April, 1868.

Division.	Zillah.	Outstanding on the 1st April, 1867. Principal.	Interest.	Costs.	Awarded in favour of Government from 1st April 1867 to 31st March 1868. Principal.	Interest.	Costs.	Total.	Realized during the year 1867-68.	Balance.	Deduct remitted by order of the Commissioner of Revenue or other Authorities.	Nett balance outstanding on the 1st April, 1868.	Remarks.
		Rs. As. P.	Rs. As. P.	Rs. As. P.	Rs. A. P.	Rs. As. P.	Rs. As. P.	Rs. As. P.	Rs. As. P.	Rs. As. P.	Rs. As. P.	Rs. As. P.	
Patna	Patna ...	1,775 6 9	45 2 2	30 15 0	.....	.....	.....	1,851 7 11	102 1 4	1,749 6 7	.....	1,749 6 7	
	Gya ...	491 15 3	5 4 0	13 14 3	1,992 3 6	147 1 3	4 9 0	2,654 15 0	1,581 5 1	1,073 9 11	46 3 4	1,027 6 7	
	Sarun ...	1,540 8 3	.....	1,736 5 10	.....	0 2 0	698 5 4	3,975 5 5	80 15 6	3,894 5 11	1,957 5 3	1,937 0 8	
	Sahabad ...	3,282 8 6	.....	20 6 0	671 2 9	25 11 8	133 13 4	4,133 7 4	391 4 10	3,742 2 6	.....	3,742 2 6	
	Tirhoot ...	405 14 3	.....	14 9 3	284 6 9	11 3 7	46 0 9	762 2 7	151 4 7	610 14 0	339 8 3	241 5 9	
Bhaugulpore	Bhaugulpore ...	1,377 15 5	.....	1 4 0	.....	.....	.....	1,379 3 5	.....	1,379 3 5	.....	1,379 3 5	
	Monghyr ...	.....	.....	436 3 0	159 3 6	.....	40 6 0	635 12 6	431 2 0	204 10 6	.....	204 10 6	
	Purneah ...	.....	.....	1,478 5 1	.....	.....	.....	1,478 5 1	306 13 4	1,171 7 9	.....	1,171 7 9	
	Moorshedabad ...	.....	.....	470 3 2	.....	.....	205 13 4	676 0 6	574 8 6	101 8 0	.....	101 8 0	
Rajshahye	Rajshahye ...	2,100 5 6	.....	9 8 0	3 2 0	.....	2 7 8	2,115 6 9	22 10 0	2,092 12 9	38 8 0	2,054 4 9	
	Pubna ...	.....	.....	714 10 9	.....	.....	629 7 0	1,344 1 9	479 11 7	864 6 2	.....	864 6 2	
	Rungpore ...	240 0 0	4 3 0	32 13 0	.....	.....	0 8 0	277 8 0	1 1 0	276 7 0	276 7 0	.....	
	Bograh ...	.....	.....	382 11 6	.....	20 0 0	251 12 3	654 7 9	103 7 8	551 0 1	299 3 10	251 12 3	
	Dinagepore ...	123 2 2	86 1 10	84 0 0	.....	.....	.....	248 4 0	.....	248 4 0	248 4 0	.....	
	Maldah ...	290 5 0	.....	142 13 0	.....	.....	84 12 0	517 14 0	517 14 0	.....	.....	.....	
Burdwan	Burdwan ...	6,540 7 10	.....	282 11 7	320 6 0	474 0 10	158 12 7	7,796 6 10	2,008 5 9	5,787 1 1	.....	5,787 1 1	
	Hooghly ...	.....	.....	25 4 9	.....	.....	491 9 7	4,626 14 4	1,495 5 5	3,131 8 11	894 15 10	2,236 9 1	
	Bancoorah ...	6,497 15 11	.....	77 8 1	8,195 8 1	330 4 1	39 3 0	15,139 7 2	2,099 10 3	13,040 13 0	.....	13,040 13 0	
	Beerbhoom ...	656 2 8	283 10 0	13 0 0	63 5 0	36 5 9	25 14 0	1,093 5 7	23 13 9	1,069 7 10	911 8 9	157 15 1	
	Midnapore ...	2,024 1 6	366 4 9	2,691 10 9	.....	395 6 3	489 13 0	5,967 4 3	1,950 8 10	4,016 7 5	122 5 9	3,894 5 8	
Presidency	Nuddea ...	.....	.....	160 8 8	1,701 9 7	7 7 0	716 3 3	2,555 12 6	87 6 2	2,468 6 4	.....	2,468 6 4	
	24-Pergunnahs ...	6,354 13 3¼	100 2 6	472 0 8¼	498 2 3	634 2 3	179 14 3	8,138 3 3	2,955 13 8	5,182 5 7	.....	5,182 5 7	
	Jessore ...	440 13 6	14 9	.....	1,185 7 1	145 8 9	123 3 0	1,858 9 1	.....	1,858 9 1	.....	1,858 9 1	
	Soonderbunds ...	5,818 10 2	.....	83 5 0	867 7 0	139 15 4	86 11 11	7,001 1 5	749 11 9	6,251 5 8	1,034 5 6	5,217 0 2	
Dacca	Dacca ...	1,284 7 3¼	.....	21 12 0	2,966 11 11	144 6 0¼	358 2 6	4,805 7 9¼	3,772 9 5	1,032 14 4¼	.....	1,032 14 4¼	
	Furreedpore ...	.....	.....	856 6 2¼	.....	.....	663 4 5¼	1,519 10 7¾	792 5 1¾	727 5 6	81 8 0	646 13 6	
	Sylhet ...	836 13 0	.....	3 15 0	485 5 3	68 15 9	115 6 3	1,510 7 3	1,011 5 6	499 1 9	.....	499 1 9	
	Mymensingh ...	3,500 4 4	.....	67 5 0	1,167 8 5	63 10 4	77 4 0	5,336 0 1	4,023 12 4	1,372 3 9	.....	1,372 3 9	
	Backergunge ...	1,530 6 9¼	1,519 1 0	55 7 6	15 0 0	118 15 0¼	43 11 4¼	3,282 9 5	651 13 9	2,630 11 11	1,032 5 6¼	1,598 6 4¼	
Cuttack	Cuttack ...	85 0 0	6 6 8	.....	9 4 0	0 3 5	0 8 0	101 6 1	5 0 0	96 6 1	.....	96 6 1	
	Balasore ...	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	
	Pooree ...	.....	.....	21 12 0	.....	.....	17 5 6	39 1 6	1 12 0	37 5 6	.....	37 5 6	
Chittagong	Chittagong ...	.....	.....	1,819 1 3¾	.....	.....	3,111 9 9¼	4,930 11 1	3,521 7 10	1,409 3 3	291 11 3	1,117 8 0	
	Tipperah ...	136 0 0	.....	47 6 0	93 2 0	38 6 0	16 10 9	336 8 9	336 8 9	.....	.....	.....	
	Balloosh ...	156 6 6	.....	8 7 3	613 11 4	42 9 9	9 2 0	830 4 10	598 4 6	232 0 4	.....	232 0 4	
Chota Nagpore	Hazareebaugh ...	.....	.....	95 7 3	.....	.....	1 0 0	96 7 3	84 4 0	12 3 3	.....	12 3 3	
	Lobarduggs ...	10,114 12 5	728 8 8	12 8 0	.....	5,782 4 7	10 11 3	16,698 12 11	2,092 15 3	14,605 13 8	13,178 8 8	1,427 5 0	
	Maunbhoom ...	.....	.....	2,861 8 0	.....	.....	2,971 12 3	5,833 4 3	3,734 6 0	2,098 14 3	521 13 6	1,577 0 9	
	Singhbhoom ...	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	
Assam	Cossyah and Jynteah ...	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	
	Durrung ...	23 0 0	.....	.....	50 0 0	.....	.....	73 0 0	50 0 0	23 0 0	23 0 0	.....	
	Kamroop ...	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	
	Luckhimpore ...	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	
	Nowgong ...	.....	.....	.....	.....	.....	120 3 6	120 3 6	123 3 6	.....	.....	.....	
	Sibsangor ...	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	
Cooch Behar	Darjeeling ...	.....	.....	.....	.....	.....	10 0 0	10 0 0	10 0 0	.....	.....	.....	
	Gowalparah, &c. ...	.....	.....	1,014 5 6	.....	.....	.....	1,014 5 6	12 5 6	1,002 0 0	.....	1,002 0 0	
	Western Dooars ...	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	
	Total ...	57,613 2 3¼	3,208 11 4	19,915 0 3¼	21,352 4 5	9,046 11 9¼	12,373 13 4¼	1,23,509 11 6	36,964 0 4¼	86,545 11 1¾	21,297 10 5¾	65,248 0 7¾	

FORT WILLIAM,
The 22nd August, 1868.

RIVERS THOMPSON,
Offg. Supdt. and Rembr. of Legal Affairs.

H.

GENERAL ABSTRACT STATEMENT shewing the amount decreed in favour of Government in the Salt and Opium Departments, realized and outstanding on the 1st April, 1868.

Department.	Outstanding on the 1st April. 1867.			Awarded in favour of Government from 1st April 1867 to 31st March 1868.			Total.	Realized during the year 1867-68.	Balance.	Deduct remitted by order of the Commissioner of Revenue or other Authority.	Nett balance outstanding on the 1st April, 1868.	Remarks.
	Principal.	Interest.	Costs.	Principal	Interest.	Costs.						
	Rs As. P.	Rs. As.P	Rs As. P	Rs. As P.	Rs As. P.	Rs. As P	Rs As. P.	Rs. As. P	Rs. As P	Rs. As.P	Rs. As. P.	
Salt Department.												
24-Pergunnahs Agency	60,090 2 0	0 0 0	1,184 [illegible] 0	7 4 1	257 6 4	889 7 2	62,428 1[illegible] 7	590 11 [illegible]	61,838 2 5		61,838 2 5	
Chittagong ditto	0 0 0	0 0 0	74 7 6	0 0 0	0 0 0	2 12 0	77 3 6	2 0 0	75 3 6	.	75 3 6	
Total	60,090 2 0	0 0 0	1,259 1 6	7 4 1	257 6 4	892 3 2	62,506 1 1	592 11 2	61,913 5 11	. .	[illegible],913 5 11	
Behar Opium Agency	2,459 14 0	12 11 9	335 10 5	0 0 0	0 0 0	23 0 0	2,831 4 2	. ... .	2,831 4 2	. .	2,831 4 2	
Grand Total	62,550 0 0	12 11 9	1,594 11 11	7 4 1	257 6 4	915 3 2	65,337 5 3	592 11 2	64,744 10 1	.	64,744 10 1	

Fort William,
The 22nd August, 1868.

RIVERS THOMPSON,
Offg. Supdt. and Rembr. of Legal Affairs.

I.

STATEMENT shewing the number of Cases appertaining to the Court of Wards, decided and pending in the year 1867-68.

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17
	ORIGINAL SUITS.								APPEALS.							
				DECIDED.								DECIDED.				
	No. pending on 30th April, 1867.	No. instituted from 1st May 1867 to 31st March 1868.	Total.	In favour of Court of Wards.	Against Court of Wards.	Total decided.	Compromised.	Pending.	No. pending on 30th April, 1867.	No. instituted from 1st May 1867 to 31st March 1868.	Total.	In favour of Court of Wards.	Against Court of Wards.	Total decided.	Remanded.	Pending.
High Court .									28	66	94	32	28	60		34
Gya ..	1	2	3	2	1	3	.		...	...	...	..	...	..		.
Patna .	.	3	3		.			3		.	..		...	...	.	.
Shahabad .	2	8	10	2	7	9	1		...	..	...	.	...	...	.	
Sarun .	3	8	11	7	1	8	...	3	...	8	8	2	1	3	1	4
Tirhoot .	6	20	26	14	6	20		6	12	14	26	17	1	18	...	8
Hooghly ...	.	2	2	..	1	1		1		1	1	...	....	...		1
Midnapore .	1	6	7	2	4	6	1	.	.	1	1	1	...	1		.
Beerbhoom ...	2	12	14	6	4	10	.	4	5	3	8	5	2	7	.	1
Jessore ..		2	2				.	2	.	1	1	.	1	1		.
Dinagepore ..	1	.	1	1		1			.		...	...	...	...		.
Maldah .	1	2	3	2		2		1			...		..	..	.	.
Rajshahye ..	2	1	3	2		2	1	.	1	2	3	3	..	3	..	.
Moorshedabad .	4	4	8	7		7		1	...	...	..	.	..	...	..	.
24-Pergunnahs ...	...	3	3	1	1	2		1	...	..	...			...	..	
Furreedpore ...	..	1	1		.		.	1	.		...	.	.	..	.	.
Mymensingh .		1	1	1		1			..	...	..		.	...		.
Cuttack .	..	7	7	3	4	7			.	1	1	1	..	1	.	.
Chittagong .	4	19	23	14	5	19		4	2	12	14	4	3	7		7
Tipperah ..	3	66	69	38	18	56	4	9	.	53	53	10	22	32		21
Maunbhoom	2	6	8	4	3	7		1	3	6	9	4	..	4	2	3
Total	32	173	205	106	59	161	7	37	51	168	219	79	58	137	3	79

FORT WILLIAM,
The 22nd August, 1868.

RIVERS THOMPSON,
Offg. Supdt. and Remembr. of Legal Affairs.

J.

STATEMENT shewing the amount realized and disbursed on account of Law Charges appertaining to the Court of Wards, from 1st April 1867 to 31st March, 1868.

	NATURE OF RECEIPTS				NATURE OF DISBURSEMENTS					Outstanding on account of Decrees passed in favor of the Court of Wards	REMARKS
	Sums awarded in favor of the Court of Wards in Regular Suits.	Costs awarded in favor of the Court of Wards, whether in actions for or against Government	All sums otherwise realized in Judicial Proceedings	TOTAL	Amount including costs awarded against the Court of Wards in Regular Suits.	Amount expended in prosecution of Suits in Court	Amount expended in defence of Suits in Court	Miscellaneous disbursements on account of Judicial Proceedings	TOTAL		
	Rs As. P	Rs As P	Rs. As P	Rs As P	Rs As P	Rs As P	Rs As P	Rs As P	Rs As. P	Rs As P	
Patna	5 4 6			5 4 6	1 406 6 11		22 9 0	124 2 10	1,503 2 9		
Sarun	65 14 0	607 0 6		672 14 6	38 0 0	113 10 0	13 8	42 12 11	562 9 7	6,360 2 1	
Tirhoot	1,23,909 12 1	3 339 8 2		1,32 249 4 3	1 21 367 14 1	850 12 6	325 0 0	701 12 0	1 23 320 11 7	*1,99,272 2 7	* A full explanation regarding the balance has been submitted to the Board in my letter No 1414 of the 6th instant.
Bhagulpore		74 4 4		74 4 4		293 11 0	30,968 1 3	516 3 8	31,777 15 11	7,093 3 9	
Monghyr										100 1 2	
Hooghly		8 5 6		8 5 6		34 9 0			34 9 0	38 12 3	
Midnapore	51 8 0	69 4 10	379 14 0	500 11 3	117 6 0	99 13 0	1 6	10 1 0	1,142 11 6		
24-Pergunnahs	5,250 0 0	581 3 1	5,26,147 10 6	5,31,958 13 7	62,379 1 9	532 1 0	914 8 0	30,136 15 10	95,862 13	†99,359 14 5	† An explanation has been called for from the Collector regarding this item.
Backergunge					48 8 6	223 12 9	164 15 0		437 4 3	289 7 0	
Mymensingh	41 3 6			41 3 6		10 0 0			10 0 0	82 4 2	
Hazareebaugh	6,510 15 10½	4 654 10 4½		11,165 10 0		1,365 11 9	726 6 0	273 0 6	2,365 1 11	16,790 6 11	
Lohardaggah											
Tipperah	2,501 3 3	237 0 9	30 10 6	2 768 14 6	6,085 1 10	615 9 7	19 12 9	30 7 3	8,754 15 5	3,025 14 3	
Total	1,43,315 13 7½	9,871 5 3½	5,26,508 3 0	6 79,745 5 11	1,93,442 10 1	5,366 15 3	30,426 14 2	31,825 8 0	265,791 15 6	3,33,154 4 7	

FORT WILLIAM,
The 22nd August, 1868.

RIVERS THOMPSON,
Offg. Supdt. and Rembr. of Legal Affairs.

(RESOLUTION.)

JUDICIAL.

Fort William, the 16th December 1868.

READ a letter from the Officiating Junior Secretary to the Board of Revenue No. 5723B of the 28th October 1868, forwarding, with the Board's remarks, the Report of the Superintendent and Remembrancer of Legal Affairs for 1867-68.

1. The Lieutenant-Governor is glad to see that the results of litigation during the year 1867-68 are much more favorable to Government than those of the preceding year. This is particularly the case in original suits.

2. The amount spent in litigation (Rupees 1,16,348) is very much in excess of the sums disbursed in the year preceding (Rupees 46,130), while the amount realized under decrees is considerably less (Rupees 39,489 as against Rupees 58,664). The great increase in disbursements is mainly to be attributed to the results in the case of Debnath Roy *versus* Government, in which Rupees 87,931 had to be disbursed as mesne profits.

3. The balances due to Government, outstanding at the close of the year, amount to—

	Rs. 65,248	in the Revenue Department
and	„ 64,744	in Salt and Opium;
or	„ 1,29,992	in all.

The realizations during the year amount only to—

	Rs. 38,897	in the Revenue Department
and	„ 592	in Salt and Opium;
or	„ 39,489	in all.

4. The Board express a hope that, under the operation of their Circular of the 3rd August 1867, the balances will be greatly reduced this year. The Lieutenant-Governor is gravely dissatisfied at the indifference shown hitherto by Collectors to this important part of their duties. Serious notice will be taken of any remissness on the part of individual Officers brought to notice in the next Annual Report of this Department.

5. The explanations which have been called for from the Opium Department are awaited.

6. The results of litigation affecting the Court of Wards have been favorable on the whole. The law charges in connection with the Court of Wards amounted to Rupees 2,65,791, while the realizations were Rupees 6,79,745, the outstanding balances being Rupees 3,33,454. The balances, in spite of the large increase in the amount under realization, are less than they were last year, which is satisfactory.

ORIGINAL SUITS	
In favor of Court	106
Against „ „	59
APPEALS	
In favor of Court	79
Against „ „	58

7. The attention of the Public Works Department will be called to the principle involved in the decision of the High Court in the case of "Government *versus* Messrs. Gordon, Stuart and Company." With reference to Mr. Thompson's remarks on this case in paragraph 19, the Board state that his predecessor duly sanctioned its institution after reference to the local authorities and personal communication with one of the Officers of the Public Works Department. But an Officer in the position of Legal Remembrancer should be very careful in sanctioning the prosecution of a suit not to act upon imperfect information. It is his special office to ascertain the real facts of a case and their legal bearing, and then to advise for or against litigation accordingly.

8. The Lieutenant-Governor desires to be informed whether any special care is taken to draw the attention of Revenue Officers to such important general decisions as that noticed in paragraph 23 of the Legal Remembrancer's Report.

9. The remarks in paragraph 40 of the Report have so important a bearing on the future conduct of Ghatwallee cases that they will be separately considered. To the Lieutenant-Governor it seems very questionable whether the Government should interfere in such cases, unless it does so on grounds of public policy. Even on grounds of public policy, it would perhaps be enough if the Government enabled the defendants to employ good legal aid without committing itself as a party to the suit. The Board of Revenue are requested, in communication with the Legal Remembrancer, to submit a report on this subject.

10. From the 50th, 51st and 52nd paragraphs of the Report, notwithstanding the unwillingness of the Legal Remembrancer to particularize individual Officers and cases, it is very evident that the preparation of pleadings in civil cases is a branch of their duties to which the Collectors generally do not pay sufficient attention. The Legal Remembrancer remarks that "in nearly every District more attention is necessary on the part of Collectors to the early and careful preparation of Government cases," and that "cases have come before him in which at the trial of the suit not any of the facts upon which the defence of the case was approved could be substantiated." The Lieutenant-Governor regrets to find such remarks as these necessary after all that has been written on this point. It is not the mere money value of a suit which makes the point of importance. There is a certain discredit attaching to the Government from being concerned in unsuccessful litigation with private individuals which makes it of great consequence that the Collectors should take every possible pains to supply accurate and complete information in the first instance, when it is proposed either to prefer a claim or to contest a demand, so that litigation may not be resorted to save on unexceptionable grounds, and then that they should afterwards take an active and intelligent interest in the preparation of Government cases. Collectors should understand that in the event of neglect of this duty being established against any Officer it will be considered seriously to his discredit and as affecting his claims to advancement in the public service. The Board are requested to impress this subject upon the attention of Commissioners and Collectors by a Circular Order.

11. The Lieutenant-Governor notices with great pleasure the commendation bestowed upon Mr. Gomess, the Commissioner of the Soonderbuns, for the care and punctuality with which his cases are prepared and

reported. His Honor also finds that Mr. D'Oyly, the Officiating Collector of Bhaugulpore, is favorably mentioned for his attention to Government cases in that District.

By Order of the Lieutenant-Governor of Bengal,

A. EDEN,

Secretary to the Govt. of Bengal.

No. 6731.

COPY forwarded to the Board of Revenue, Lower Provinces, for information and guidance.

No. 6732.

EXTRACT (paragraph 7) of the Resolution, with extracts (paragraphs 15 to 19) of the Legal Remembrancer's Report, forwarded to the Public Works Department of this Government.

FORT WILLIAM,
The 16th December 1868.

A. MACKENZIE,
Offg. Junior Secy. to the Govt. of Bengal.

REPORT

ON

THE LEGAL AFFAIRS

OF THE

BENGAL GOVERNMENT

FOR THE

YEAR 1868-69.

Calcutta;

PRINTED BY WILLIAM JONES, AT THE ALIPORE JAIL PRESS.

1870.

No. 92½ B.

FROM

T. BRUCE LANE, ESQ.,

Offg. Secretary to the Board of Revenue, L. P.,

TO

THE SECRETARY TO THE GOVERNMENT OF BENGAL,

JUDICIAL DEPARTMENT.

Fort William, the 4th March, 1870.

SIR,

LAND REVENUE. CIVIL SUITS.

V H SCHAICH, and A MONEY, ESQRS, C. B.

I AM directed by the Board of Revenue to submit copy of a Report from the Superintendent and Remembrancer of Legal Affairs dated 1st September 1869, with accompanying Statements, relative to the Legal Affairs of the Bengal Presidency for the past year 1868-69.

2. The submission of this Report has been delayed for the correction of certain inaccurate Statements made in paras. 10 to 11 and 18 and 19 of the Report, on the realization of outstanding balances due to Government.

3. PARAS. 3 TO 7 OF THE REPORT.—The results of the litigation in which Government was concerned during the year are on the whole satisfactory.

4. PARAS. 10 AND 18 OF THE REPORT.—The balance of Rupees 49,351 referred to in these paras. under Salt decrees, was finally written off the accounts under Government Order No. 137, dated 13th January 1869, and the Legal Remembrancer has since stated that this fact was overlooked in his office when his Report was drawn up.

5. PARAS. 10 and 19 OF THE REPORT.—The correct amount outstanding at the beginning of the year under report in the Opium Department was Rupees 2,506-2-0, and orders were issued in September last to write this sum also off the accounts of the Behar Agency.

6. PARA. 10 OF THE REPORT.—With regard to the amount of Rupees 57,102, outstanding under Revenue decrees, the Board desire me to make the following remarks.

7. PARA. 11 OF THE REPORT.—The sum of Rupees 321 shown in para. 11 as due to Government in the District of Rungpore, was realized in April 1869, the execution cases having been then decided.

8. PARA. 12 OF THE REPORT.—Of the outstanding balance of Rupees 2,002 in Backergunge, Rupees 1,526 were remitted by the Board, and Rupees 20, realized during the year, leaving a balance of Rupees 456 unrealized at its

close. Of this latter sum Rupees 390 are due in cases under appeal, and cannot therefore yet be realized, and proper steps have been taken for the realization of the remaining Rupees 66.

9. PARA. 12 OF THE REPORT.—Deducting from the balance of Rupees 1,422 due to Government in the district of Bhaugulpore, the sum of Rupees 43, which was realized, and Rupees 19 remitted by the Board during the year, there would remain Rupees 1,360 outstanding on the 31st March 1869. This amount, the Collector has reported, is due in two suits which are now under appeal, and cannot therefore yet be recovered.

10. PARA. 12 OF THE REPORT.—Of the balance of Rupees 6,312 (not 6,460) outstanding in Tirhoot, Rupees 6,011 or nearly the whole amount, being due on account of two suits which are under appeal, is not realizable.

11.—PARA. 12 OF THE REPORT.—In Midnapore the balance outstanding was Rupees 15,278, deducting from which the sum of Rupees 1,023 realized and Rupees 371 remitted during the year, the net balance on the 31st March 1869 stood at Rupees 13,884; of this sum Rupees 11,124 being irrecoverable has since been remitted, and a further sum of Rupees 153 has been realized; the remainder, *viz.*, Rupees 2,607 is under realization.

12. PARA. 13 OF THE REPORT.—The subjoined Memorandum shows the realizations which have been made since the close of the year on account of the net balances due in the Districts named by the Legal Remembrancer as shewing the best Returns.

DISTRICTS.	Amount due on the 31st March 1869.	Amount realized since that date	Amount not yet recoverable on account of appeal.	Under realization.	Remitted by the Board.
Moorshedabad	89	5	34	19	31
Purneah . .	274	118	83	.. ..	73
Sylhet . .	176	134	42	. ...	. ..
Sarun	612	429	.. ...	183	.. ...
Pubna	978	83	895	.....	..

13. PARA. 14 OF THE REPORT.—The net balance due in Bancoorah on the 31st March 1869 was Rupees 5,191, the sum of Rupees 20,986, mentioned by the Legal Remembrancer as a large outstanding balance, representing really the total amount realizable by Government during the entire year 1868-69, of which more than 75 per cent. were realized. Of the actual balance of Rupees 5,191, Rs. 1,548 have since been realized, Rupees 223 remitted as irrecoverable, Rupees 76 are due in cases under appeal and cannot therefore yet be recovered, and the remainder Rupees 3,344 is under realization. This cannot be considered in any way an unsatisfactory result.

14. From Statement G. it will be seen that of the total amount of Rupees 1,15,342 recoverable by Government during the year, Rupees 65,094 were outstanding on the 1st April 1868. Out of this latter sum Rupees 24,278

were found to be irrecoverable and were remitted, leaving a balance of Rupees 40,816 for realization during the year under report, on account of previous years. The Board are not able, without further great delay, to state how much of the total sum of Rupees 33,661 realized in 1868-69 was on account of 1867-68. But it can be safely asserted that the greater proportion was realized on that account, leaving probably about one-fourth of the balance which had existed on 1st April 1868 still outstanding on the 31st March 1869. Such a result does not seem unfavorable, under the difficulties admitted by the Legal Remembrancer in his 11th paragraph, to stand in the way of Government officers in executing decrees. In regard to the amount decreed in favor of Government during the year 1868-69, it appears only necessary to remark that cases to which Government is a party are almost always taken up in appeal to the Higher Courts, to the utmost extent, and in very few cases therefore can any steps be taken under the rules to proceed to execution, until from 6 to 9 months after the first decree. In cases of which the disposal is delayed, a much longer time may elapse.

15. The Board do not therefore consider that the Legal Remembrancer has reasonable grounds for the disparaging view taken by him regarding the progress made in executing Government decrees. The suggestion made in his 15th paragraph has not hitherto been the subject of any distinct ruling, though no doubt every good District Officer already employs his Sub-divisional Officers when it seems suitable to do so, but a rule will now be issued by the Board, to secure the full co-operation of Sub-divisional Officers as described.

16. With reference to the rules quoted in paragraph 17 of the Legal Remembrancer's report, it was pointed out to him during the year that it is not intended under the rules in force to give necessarily to the Government Pleaders, Nazirs, and Record-keepers, a percentage on the collections, unless they have actually been instrumental in recovering Government dues by more than mere routine work; and the Legal Remembrancer may use his discretion largely as to the persons to be paid and the proportion of reward. He was requested to act on this principle in distributing his allotted percentage for the year.

17. PARAS. 20 AND 21 OF THE REPORT.—The subject here discussed seems to require no further reference from the Board, the whole question of chowkeedars and their status being now before the Bengal Legislative Council. The mode of treatment to be adopted in Ghatwallee cases also, as referred to in paras. 22 to 25, is now under the separate consideration of the Board, and their report will hereafter be submitted to Government.

18. PARA. 27 OF THE REPORT.—The Board are not as yet able to submit their own remarks on the case here described. The Legal Remembrancer was desired to submit a detailed history of the case from its commencement, and to state clearly the grounds on which he had reported that the remarks made by the High Court appeared to him to be undeserved; and the Collector of Burdwan, who had conducted the cases in the Lower Courts, was also called on to offer any explanation he might wish to make. The Board have not yet however received a final reply.

19. PARA 28 AND 29.—The subject here referred to did not apparently call for such special mention in an annual report. The practice adopted by the Moonsiff was clearly faulty, and will be brought to the notice of the High Court, but no further action appears necessary.

20. In addition to the officers named in the Legal Remembrancer's 31st Report, the following Collectors have been specially commended by the Commissioner of Burdwan for their attention to Government Suits:—Messrs. J. P. Grant, R. V. Cockerell, H. J. Reynolds, A. R. Bainbridge. Orders will be passed regarding the Government Pleader at Noakholly on receipt of the Legal Remembrancer's further report.

I have the honor to be,

SIR,

Your most obedient Servant,

T. BRUCE LANE.

Offg Secretary to the Board of Revenue, L. P.

FROM H. BELL, ESQ., *Officiating Superintendent and Remembrancer of Legal Affairs, to the Officiating Secretary to the Board of Revenue, Lower Provinces, dated Fort William, the 1st September* 1869.

I HAVE the honor to submit the accompanying Report on the Legal Affairs of the Bengal Presidency from 1st April 1868 to 31st March 1869.

2. Mr. A. R. Thompson was in charge of the office from 1st April 1868 to 11th January last, and I took charge of the office on the 11th January.

3. The total number of suits pending on the 1st April 1868 was 208, of which 72 were original suits and 136 were appealed suits. From 1st April 1868 to 31st March 1869, 198 suits were instituted in the Courts of first instance, and 148 in the Appellate Courts; total 346, showing an aggregate of 270 original suits and 284 appeals; total 554.

4. Of the original suits 154 were decided in favor of Government, 16 were compromised, and 36 were decided against Government, total decided 206, pending 64.

5. Of the 36 adverse decisions 11 were appealed on behalf of Government, and in two cases the decisions of the Lower Courts were reversed. The actual number of cases lost was therefore 34 against 154 decided in favor of Government.

6. Of the appeals 117 cases were decided in favor of Government, 38 against it, and 18 cases have been remanded for re-trial, total decided 203, pending 81. The total number of judgments favorable to Government is 303 against 72 unfavourable, and the number of cases pending on the 31st March 1869 was 115.

7. The following table gives a comparative view of the results of the litigation in which Government was concerned during the year under review and the last preceding year:—

	1867-68.												1868-69.											
	Government Plaintiff or Appellant.						Government Defendant or Respondent.						Government Plaintiff or Appellant.						Government Defendant or Respondent.					
	Total number of cases pending.	Decided in favor of Government.	Decided against Government.	Total decided.	Percentage of cases decided in favor of Government.	Percentage of cases decided against Government.	Total number of cases pending.	Decided in favor of Government.	Decided against Government	Total decided.	Percentage of cases decided in favor of Government.	Percentage of cases decided against Government.	Total number of cases pending.	Decided in favor of Government.	Decided against Government.	Total decided.	Percentage of cases decided in favor of Government.	Percentage of cases decided against Government.	Total number of cases pending.	Decided in favor of Government.	Decided against Government.	Total decided.	Percentage of cases decided in favor of Government.	Percentage of cases decided against Government.
Original Suits	21	18	1	19	94¾	5¼	531	346	70	416	83	17	31	24	2	26	92¼	7¾	239	146	34	180	81	19
Regular Appeals ...	76	32	20	52	61½	38½	142	57	18	75	76	24	46	18	12	30	60	40	135	81	9	90	90	10
Special Appeals ...	1	...	...	...	...	.....	66	15	2	17	88¼	11¾	10	1	3	4	25	75	84	42	5	47	89¼	10¾
Summary Appeals ..	1	...	...	...	.....	.....	12	3	1	4	75	25	1	1	...	1	100	...	8	5	2	7	71½	28½

8. The amount expended in litigation including of course the amount of decrees paid by Government during the year, was Rupees 59,723 in the Land Revenue Department, and Rupees 180 in the Salt and Opium Departments, total Rupees 59,903.

9. The amount realized under decrees of Court was Rupees 33,661 in the Land Revenue Department, and Rupees 1,326 in the Salt and Opium Departments, total 34,987.

10. The outstanding balances due to Government are as under :—

Revenue decrees	... ...	57,402
Salt decrees	... ...	49,351
Opium decrees	... ...	2,585
	Total Rupees ...	1,09,338

11. It is rather discouraging to find that the outstanding balances due to Government are still so large. At the same time I know by experience how difficult it is to realize decrees. It is only when one attempts to reap the fruits of successful litigation that one's difficulties commence. You attach property and it is claimed by a dozen people : you issue process against the person, and the debtor receiving timely notice, absconds. Everything seems against the decree-holder and in favor of the debtor. So great indeed are the difficulties experienced that a class of persons have sprung up in the Mofussil who regularly traffic in decrees. At the same time there can be no doubt that the realizations would have been much larger if proper attention had been paid by the Collectors to the subject. For instance in one district, no attempt seems to have been made to realize the decrees.

District.	Total amount due to Government under decrees.	Realized.
Rungpore	321	.....

12. The realizations in the following districts, when compared with the outstanding balances, have also been very small, and in the absence of explanation call, I think, for the notice of the Board :—

Districts.	Total outstandings.	Remitted by the Board.	Realized.
Backergunge	2,002	1,526	20
Bhaugulpore	1,422	19	43
Tirhoot	6,460	.....	148
Midnapore	15,278	371	1,023*

* I ought to explain with regard to Midnapore, that the Collector has reported that Rupees 11,123 of this amount is irrecoverable.

13. The districts which show the best returns are the following :—

Districts.	Total due up to 31st March 1869.	Realized.
Lohardugga	1,582	1,582
Monghyr	229	224
Moorshedabad	249	160
Nowgong	97	74
Purneah	1,690	1,416
Sylhet	757	581
Sarun	2,106	1,794
Pubna	2,457	1,479

14. There is a large outstanding balance of Rupees 20,986 shewn in the Bancoorah Returns, but I ought in fairness to that district to say that though the balance is still so large, Rupees 15,795 have been realized during the year.

15. I would make for the Board's consideration one or two remarks upon these outstanding balances. There can be no doubt that they are a great deal larger than they ought to be: and under a proper system they ought to be very considerably reduced. At present I believe the Collector's Nazir and Record-keeper are considered responsible for the realization of decrees, and I think that they have proved themselves hardly equal to the work. It seems to me that it would be a much better arrangement for the Sub-divisional Officer to be entrusted with the execution of all decrees within his jurisdiction. The Collector would as usual enter all decrees in his Register No. 31, and would then distribute them among his several Sub-divisional Officers, who would be held responsible for their punctual realization. Living nearer to the debtor's house and having greater opportunities of making themselves acquainted with his means, they would be in a better position than the Collector to take active steps for enforcing payment of the decrees.

16. I think too, that we do not hold out sufficient inducement to our Officers to exert themselves in these execution cases.

17. Under rules 12 and 13, Board's Rules, pages 42 and 43, the Legal Remembrancer is authorized "to set apart up to 20 per cent upon the collections and to distribute such percentage ratably amongst the Government Pleaders, the Nazirs and the Record-keepers who have been most instrumental in making collections, and in proportion to their instrumentality in those districts and in those districts only in which the collections have borne the ratio of not less than 50 per cent to the outstandings." I have one or two objections to urge to this rule. In the first place the percentage granted as the remuneration for the Officer's exertions is too long delayed. After a decree has been

realized, the Collector should be authorized to pay the percentage at once, to the person who had been instrumental in obtaining the realization of the decree. Money which is not paid for one or two years after the event loses half its charm, and people do not care to exert themselves when they know that they may have to wait two or three years for their money. Secondly the percentage should in my opinion be paid in each case and not upon the aggregate of cases. The Board's rule granting a percentage only when the total collections exceed 50 per cent of the outstandings proceeds upon the ground that the duty of executing decrees is to be exclusively confined to the Government Pleader, the Nazir and the Record-keeper. I do not see why the Collector should be restricted to the employment of these three individuals. Whatever is done by the Government Pleader and the Record-keeper is mere routine work, the person who hunts out the property is the man to be rewarded. In supersession therefore of the present rule, I would allow the Collector to employ any person he pleased in executing these decrees, and the percentage should be paid for each case separately upon the decree being realized. I think 20 per cent would be a fair allowance for all sums under Rupees 1,000, and 15 per cent for all sums above Rupees 1,000. Where, however, the Collector could realize the money without difficulty, it might not be necessary to give any percentage at all, but as a general rule I would give the Collector authority to award percentage within the limits specified in all cases in which he thought proper. I am quite sure that it is only by paying at once the percentage in each case that we shall secure the prompt execution of our decrees.

18. The balances shewn in the Salt Department amount to Rupees 49,351. But these balances are of very old standing, and the Board may perhaps find that they are now irrecoverable. From a Statement which has been furnished to me, it would appear that they represent decrees of 1860, 1861, 1862, and 1863.

19. The same remarks apply to the Opium balances, which represent decrees of the Behar Agency for 1863 and 1864.

20. I now proceed to notice some of the more important cases which were decided during the year and which call for a few remarks.

NOBOKISTO MOOKERJEE, *Plaintiff, Appellant,*

versus

GOVERNMENT AND OTHERS, *Respondents.*

This case was the sequel to the celebrated case of Joykissen Mookerjee *versus* Government, which is reported in 10, Moores Indian Appeals, page 16. The Government, it will be remembered claimed to have an exclusive right to the services of the chakran chowkeedars, while the zemindar contended that the lands were held for the performance of services personal to himself and for the protection of his property. Acting upon the Government view of the matter, the Commissioner of Burdwan in 1855 prohibited the chowkeedars from performing any other but Police duties; and these orders were not withdrawn till 1864, after the decision of the Privy Council had finally determined the rights and status of the respective parties. Having been in this way deprived

from 1855 to 1864 of the services of the village chowkeedars, the Plaintiff in 1865 sued the Government for damages as compensation for the loss of the services of which he had been deprived. The High Court, however, held that he was not entitled to a decree.

"There is no question," observed the Court, of "right now to be decided, the Plaintiff's right has been fully admitted by the Government, the only question is, to what sum of money the plaintiff is entitled by way of compensation for the injury he has suffered. The evidence on this question is extremely vague. The most tangible is that of Gobindo Chunder Gangooly who says that a tehsildar and two nugdees have been appointed in excess in consequence of the failure of the chowkeedars to perform the zemindary duties, and that the plaintiff suffered a monthly loss of ten Rupees, the pay of the tehsildar and two nugdees. But in the first place we are unable to understand what connexion there is between the duties of chowkeedar and tehsildar, the duties of the latter being, as this witness himself states, confined to writing, it seems to us therefore that Rupees four a month the amount of the tehsildar's wages must be excluded. This reduces the alleged monthly loss to six Rupees, but that sum is to be divided amongst all the chowkeedars of all the Mehals, and no data are given upon which that division can be made. It is obvious that unless this division is made, the plaintiff who is bringing other actions may recover the same damages several times over. But in fact we do not believe that there is any real foundation for this allegation of damages. We have no doubt that it is extremely convenient to the zemindar to be able occasionally to call in the services of the chowkeedar to assist in obtaining his rent from a refractory tenant; but we do not believe his ability to do so makes any real difference in the number of servants he requires for collecting his rents. The plaintiff in this case has not ventured to state that he has dismissed a single servant since the order of Government was withdrawn, and the witness we have referred to admits that the chowkeedars have not, since that time, been called upon to perform any duties. Under these circumstances the Plaintiff has, we think, failed to show that he incurred any pecuniary loss by the failure of the chowkeedar to perform his zemindary duties in this case, and his suit, therefore, ought to be dismissed with costs."

21. From several cases which have been before me, it would seem that orders were also issued in the district of Moorshedabad prohibiting chowkeedars from performing zemindary duties; and that these orders have not, as in Burdwan, been withdrawn. I think it would be as well if these orders were formally cancelled; for a number of cases has been brought to resume the chakran lands on the ground that the chowkeedars refuse to perform zemindary services. There is also in the Moorshedabad district an obvious desire to resume these chowkeedaree lands as private service lands. More than twenty cases with this avowed object were brought during the year. It is, however, to be hoped that legislation may place these chakran chowkeedars on such a footing that the further intervention of Government in their disputes may not be required.

GHATWALEE CASES.

22. The case of Anund Kumari *versus* Government and others, is a very important one, and merits careful consideration. Many years ago a zemindar in Maunbhoom gave a certain village of his estate, named Korunjorah in putnee; but the putneedar on going to take possession was opposed by one Srimunto Rai, who claimed to hold the lands by hereditary right as ghatwal Litigation followed and the claims of the ghatwal were disallowed. Matters remained in this state for many years, but in 1866 the Government came forward and sued the zemindar, the putneedar and the ghatwal for khas possession of Korunjorah, alleging that the whole village was Government ghatwalee property, and had always been held by ghatwals, until Srimunto Rai had been dispossessed by the putneedar. This suit was apparently withdrawn as it was clear that the Government had no right to demand khas possession of the village. After withdrawing the suit, another plaint was filed claiming "the right to reinstate a ghatwal in Mouzah Korunjorah, as a ghatwalee tenure liable to be appropriated to the use of the ghatwal for the time being, by setting aside a putnee taluk, collusively created by the defendants in the said villages." The Court, however, held that the suit would not lie, Mr. Justice Markby observing "it is asked that we should declare that the village Korunjorah is a village the proceeds of which ought to be appropriated to the maintenance of a ghatwal, and also for a declaration that the Government is entitled to appoint a ghatwal. Now I am of opinion that in accordance with the rules laid down as to the cases in which this Court will grant mere declaratory decrees without relief, this suit cannot be maintained. The only actual disturbance of the right of Government took place thirty-five years ago, when Srimunto Rai the person who then claimed to be ghatwal was ejected. It seems to me that if the Government have any rights of which this act was an infringement, it might have come to this Court, and, by a proceeding analogous to an information in the Court of Exchequer in England, might have asserted those rights whether against the zemindar, the putnidar, or its own ghatwal. It did not do so, and more than 15 years ago that ghatwal died whereby, as the Government now say, the office became vacant; no new ghatwal has been appointed, and I am therefore at a loss to see on what possible ground the Government can come into Court for the declaration of a right which for 15 years it has not thought proper to exercise, which it may never exercise, and which if it does exercise may not be opposed."

23. No doubt as the Court said there had been great delay on the part of Government in asserting its claim to these ghatwallee lands; but still we sued within the time allowed us by the law; and we should have been entitled to a verdict had our suit been in a proper form. The question is what is in such cases the proper form to sue in? It is manifest that unless Government have some means of redress in such cases, that the zemindars will be able to appropriate all the ghatwallee lands in the country. In cases therefore like the present where the ghatwal is dead and no successor has been appointed, or where the ghatwal is acting in collusion with the zemindar, and the Government is therefore bound to come forward and assert its rights, we should ask, I think, the Court to call upon the zemindar to appoint a ghatwal to perform

the usual ghatwallee services, or on default to adjudge as damages such a sum as will represent the annual profits which the zemindars derive from appropriating the ghatwallee land; the damages to be paid yearly till the ghatwal is appointed. This form of action will, it seems to me, meet the objections of the Court, and in all respects answer the purpose of Government.

24. Another ghatwallee case I think it right to mention though we were not personally concerned in it.

LALL BEHARI ROY,

versus

BROJO LALL SING.

The plaintiff in this case was the heir of the deceased ghatwal: but the Commissioner passed him over in favor of the defendant, on the ground that he had evinced a want of filial respect and dutiful feeling to his father. The Court however, held that the Commissioner had exceeded his power and was not justified on purely moral considerations in refusing to admit the son to the hereditary office of his father. "It has been doubtless," observed the Court, "the practice for the Commissioner or other authority acting on the part of Government, to enquire into cases of alleged failure to perform the duty of ghatwal or of incapacity to perform such duty, and although I do not wish to express any decided opinion on the question, it is conceivable that a person who has held the office of ghatwal might be removed for good cause, and that on removal from office he would be incapable of holding the land. But in the case before us the Commissioner appears to have exercised a power far beyond what I have just suggested, and for which I find no warrant of law whatever, that is to say, on the demise of the ghatwal the Commissioner has thought himself at liberty to consider the eligibility of rival claimants, and to dispose at his pleasure of a perpetual and descendible tenure, and to have actually rejected the claims of the natural heir upon consideration, not of his physical incapacity to perform the duty of a ghatwal, but on purely moral considerations, the ground alleged being that the heir had on a former occasion evinced such a want of filial respect and dutiful feeling towards his father, that the Commissioner could have no confidence in his performing the duty of his station.

"I think that in coming to this decision and so with-holding from the plaintiff the inheritance to which he was entitled, the Commissioner did an act beyond the scope of his authority, and which the plaintiff was quite competent to question by a suit in the Civil Court. It is clear that the plaintiff was actually entitled to succeed, and consequently the suit was properly entertained and correctly decided."

25. With regard to ghatwallee cases generally, I need make no further remarks. I have reported separately on the subject, and the matter is, I believe, at present under the Board's consideration.

26. The next case I shall mention is the case of

GOVERNMENT

versus

THE MOHARAJAH OF DUMRAON.

This case was first brought in the Civil Court of Ghazeepore, but was thrown out by the High Court, North-Western Provinces, on the ground that the land in dispute was situated in the district of Shahabad, and that the North-Western Authorities had no jurisdiction to try it. The case arose in this way. The Ganges had changed its course and a large chur was formed in the bed of the river. This chur the Ghazeepore Collector considered to be an accretion to the estate of the Sherpore zemindar, and settled it accordingly. The Dumraon Rajah on the other hand claimed the property and sued the Sherpore zemindar for possession. Unfortunately though the Sherpore zemindar seemed to be clearly entitled to the property, his case was badly conducted and the High Court decided against him, and some 2967 bigahs of land were handed over to the Dumraon Rajah. Government was of course no party to these proceedings, but was a heavy loser by the result. So long as the land was considered an accretion to the Sherpore estates, Government was entitled to assess it and receive rent from it, but upon the land being transferred to the Dumraon Rajah this right ceased; for under the terms of a special agreement we are not entitled to assess any accretion to the Dumraon estates. If therefore the accretion belonged to Sherpore, Government was clearly interested in not allowing it to be made over to Dumraon. A suit was accordingly brought by Government, in which we asked the Court to declare that the accretion belonged to Sherpore, and to confirm us in possession. The subordinate Judge who tried the case held that Government had no locus standi, and dismissed the suit. The local authorities were anxious to appeal against this adverse decision, and upon the papers coming before me, I laid them before the Board. It appeared however to the Board, and the Advocate General whom I afterwards consulted, concurred in their opinion, that the decision of the subordinate Judge was right. In the first place the possessory right lay in the zemindars to whose estate the land had accreted and not to Government; and it was therefore out of the question our asking for possession when we were entitled not to possession, but to a mere assessment of rent. Secondly the decision which had been passed by the Courts in favor of the Dumraon Rajah and against the Sherpore zemindars could only be impeached by Government on the ground of collusion; and as we could not prove collusion, it was of course useless proceeding with the case.

27. I have mentioned this case at length because considerable misapprehension prevails as to the extent to which Government is entitled to interfere in these accretion cases. In the case of the Collector of Burdwan *versus* Mukta Kessee Debya which though instituted at the beginning of 1868, was not finally decided till after the close of the year, we incurred the severe censure of the High Court for our interference. The case was this, In 1837 the Government resumed and assessed as an accretion to mehal Bikeehaut, a certain chur which had formed in the river Bhagirutee. The chur seems to have been

placed on the Towjee with a separate number from the parent estate, and temporary settlements were made from time to time with the Moharajah of Burdwan, who was the zemindar of the parent estate, and who let out in putnee the accretion with the parent estate. Contiguous to Bikeehaut was Dainhaut another estate of the Moharajah which was also let out in putnee. Sometime ago the putneedar of this estate brought an action against the putneedar of Bikeehaut for 353 bigahs of the accreted land, on the ground that it had accreted to Dainhaut and not to Bikeehaut, and obtained a decree. By this decree the temporarily settled estate of clear Bikeehaut was reduced by 353 bigahs and the Government sustained an immediate and corresponding loss of revenue; for the land being transferred to Dainhaut, could not be assessed till a new survey under Act IX of 1847 had been made. Upon these grounds an action was brought by the Collector of Burdwan against the putneedar of Dainhaut, to obtain the cancelment of the decree for the 350 bigahs which he had obtained against the putneedar of Bikeehaut, and for confirmation of the Government possession therein. The High Court commented very severely upon our having brought the case at all, and we were clearly wrong in doing so. The mistake however, arose from a misapprehension of the rights of Government, and my office must of course be held responsible for it. I have detailed these cases at considerable length on the ground of their great importance and their frequent occurrence. Though Government are clearly interested in seeing that the boundaries of existing estates are preserved, still we are equally bound to accept the decision of the Civil Courts when boundary disputes arise between neighbouring zemindars, and we can only interfere for the protection of the interest of Government in case of fraud or collusion. But even if we can prove fraud or collusion we cannot sue for possession to which we are not entitled; but we must content ourselves with asking the Court to declare that such are the boundaries of the estate, and that should it hereafter be sold for arrears of revenue, the purchaser will be entitled to take it according to the boundaries specified.

28. I will now mention a case connected with the Registration Department, which seems to me to call for particular attention. Under the Registration Act, Civil Courts are bound to send to the Registrar copies of decrees affecting the title to immoveable property, and by Section 43 the costs of Registration are made "costs in the cause and are to be paid by the Court to the Registrar." In accordance with the provision of the law the Moonsiff of Mongulkote in the district of Burdwan, sent a Memo. of a decree to the Registrar, and to recover the registration fees amounting to one Rupee, he attached a house belonging to the judgment debtor ~~Khetter Monee~~ Dassia. The house was sold and then a suit was brought against Government by one Tapo Monee Dassee to obtain the cancelment of the sale, on the ground that the property belonged to her and not to Khetter Monee, the judgment debtor. She made good her claim, the sale was cancelled and the Government had to pay the costs.

29. It seems to me that the Moonsiff in this case was not justified in realizing these registration fees of his own motion, and thus exposing Government to the costs of a civil action; though I ought in justice to the Moonsiff

to state that the Commissioner informs me that such is the invariable practice with the Civil Courts of Burdwan. All that Section 43, Act XX. 1866, as I read it, says, is that the Civil Courts shall send the Registrar copies of all decrees affecting immoveable property, and shall transmit the registration fee with the Memo. allowing the decree-holder to recover the registration fee as part of his costs. The fee should in the first instance be paid into Court by the decree-holder on whose behalf and for whose benefit the decree is to be registered, and the decree-holder will then recover the registration fees from the debtor as part of the costs of the suit. If the decree-holder does not deposit the registration fees, the Court should refuse to execute the decree. It was never I am sure in the contemplation of the Legislature that the Court should of its own motion and responsibility attach property for the realization of the fees. It would perhaps be as well if a communication was made to the High Court upon the subject, for the question at issue is one rather of practice than of law.

30. The following changes have taken place in the appointment of Government Pleaders during the year under review:—

Baboo Omakant Bhaya was appointed Government Pleader at Rajshahye, in the room of Baboo Bhyrub Chunder Banerjee, resigned.

Baboo Obhoyanundo Dass at Backergunge, in the room of Doorga Mohun Dass, resigned.

31. Having held the Office of Legal Remembrancer for only two and a half months before the close of the year, I am not in a position to speak as fully as I could wish of the manner in which the Government Pleaders have discharged their duties. As a rule I have remarked that the cases which came from Chota-Nagpore and the Presidency Division are the best prepared. I have also been struck with the great care which Mr. Gomess the Soonderbun Commissioner, and Mr. B. Wood, Deputy Commissioner of the Sonthal Pergunnahs, bestow upon their cases.

32. The Collectors generally have performed their duties satisfactorily.

33. Of the Government Pleaders I would particularly mention as deserving of commendation Baboo Soshibhusun Mookerjee, of Beerbhoom, Hungsheshur Mookerjee, Maunbhoom, Ishan Chunder Mitter, Hooghly, and Kader Nath Banerjee, Court of Wards' Pleader, Tirhoot. I may have passed over other deserving Officers whose work has not come before me.

34. Baboo Adait Churn Dutt, Government Pleader of Noakhally, seems to me to judge from his work, a very inefficient Officer, and I have called for a special report upon his qualifications from the Commissioner of Chittagong.

A.

Cases instituted to establish some substantial right

1	2												3											
	Suits to establish a title to hold land rent free or at a fixed assessment.												Suits for land or for the rent of land arising out of settlement proceedings.											
	Total.	Decisions								Pending.			Total.	Decisions								Pending.		
		Favorable.				Unfavorable.								Favorable.				Unfavorable.						
	No.	No.	Rs.	As.	P.	No.	Rs.	As.	P.	No.	Rs.	As.	P.	No.	Rs.	As.	P.	No.	Rs.	As.	P.	No.	Rs.	As.	P.
High Court ...	...	...	0	0	0	...	0	0	0	...	0	0	0	...	0	0	0	...	0	0	0	...	0	0	0
Zillah Appeals ...	...	...	0	0	0	...	0	0	0	...	0	0	0	1	1	1,680	0	0	...	0	0	0	...	0	0	0
Original Suits ...	3	1	96	4	0	...	0	0	0	2	146	12	10	1	1	206	6	3	.	0	0	0	..	0	0	0
Total ...	3	1	96	4	0	...	0	0	0	2	146	12	10	2	2	1,886	6	3	..	0	0	0	..	0	0	0

1	4												5											
	Suits to establish a title to engage for lands under settlement.												Suits to establish a title to vacant possession and properties claimed by, or escheated to, Government											
	Total	Decisions.								Pending.			Total.	Decisions								Pending.		
		Favorably.				Unfavorable.								Favorable.				Unfavorable.						
	No.	No.	Rs.	As.	P	No.	Rs.	As.	P.	No.	Rs.	As.	P	No	No	Rs.	As	P	No.	Rs	As.	P.	No.	Rs.	As.	P
High Court ...	1	1	991	0	0	..	0	0	0		0	0	0	2		0	0	0	2	0	0	0	...	0	0	0
Zillah Appeals ...	8	5	1,477	12	4	...	0	0	0	3	164	2	0	2	2	1,108	13	3	–	0	0	0		0	0	0
Original Suits ...	8	5	256	3	2	...	0	0	0	3	622	14	6	14	12	2,27,474	14	8	.	0	0	0	2	656	12	5
Total ...	17	11	2,724	15	6	.	..			6	787	0	6	18	14	2,28,581	11	4	2	0	0	0	2	656	12	5

1	6												7											
	Suits for reinstatement of office from which claimants have been dismissed by Local Agents or other authorities.												Suits for the recovery of salaries, maihana, pensions, fees, &c.											
	Total.	Decisions								Pending			Total.	Decisions								Pending.		
		Favorable.				Unfavorable.								Favorable.				Unfavorable.						
	No.	No.	Rs.	As.	P.	No.	Rs.	As.	P.	No.	Rs.	As.	P.	No.	No.	Rs.	As.	P.	No	Rs.	As.	P.	No	Rs.	As.	P.
High Court ...	...	...	0	0	0	...	0	0	0	...	0	0	0			0	0	0	.	0	0	0	..	0	0	0
Zillah Appeals ...	...	...	0	0	0	...	0	0	0	...	0	0	0	1		0	0	0	1	723	8	0	..	0	0	0
Original Suits ...	...	...	0	0	0	..	0	0	0	...	0	0	0	3	2	138	6	0		0	0	0	1	1,163	0	6
Total ...	.	...	0	0	0	..	0	0	0	...	0	0	0	4	2	138	6	0	1	723	8	0	1	1,163	0	6

1	8											
	Suits for the recovery of sums unjustly realized for the recovery of rents unduly levied, or for the recovery of receipts for rents, or for exoneration from unjust demand											
	Total.	Decisions								Pending.		
		Favorable.				Unfavorable.						
	No	No	Rs.	As.	P.	No	Rs.	As.	P.	No	Rs.	As.	P.
High Court ...	3	...	0	0	0	1	74	0	0	2	1,840	10	0
Zillah Appeals ...	2	1	350	0	0	1	241	9	0		0	0	0
Original Suits ...	7	3	78	4	0	3	888	7	4	1	125	0	0
Total ...	12	4	428	4	0	5	1,214	0	4	3	1,965	10	0

1	9												10											
	Suits for Wasilat or for the recovery of costs or surplus collections after an adjustment of accounts or value of property or purchase money.												Suits to obtain possession of land, estates or other property, or for the recovery of rents or common or bond debts.											
	Total.	Decisions								Pending.			Total	Decisions								Pending.		
		Favorable.				Unfavorable.								Favorable.				Unfavorable.						
	No.	No	Rs.	As.	P.	No	Rs.	As.	Ps.	No.	Rs.	As.	Ps.	No.	No.	Rs.	As.	Ps.	No.	Rs.	As.	Ps.	No	Rs.	As.	Ps.
High Court ...	14	9	22,360	7	0	3	74,527	0	0	2	10,987	1	7	114	65	42,758	13	10	15	31,334	1	0	34	19,54,621	14	9
Zillah Appeals ...	4	1	1,660	1	0	2	44	0	0	1	33	3	6	87	46	22,774	7	4	18	7,743	14	8	23	5,242	8	9
Original Suits ...	19	11	6,612	9	11	5	16,758	6	8	3	21,195	7	8	148	89	2,93,407	14	8	22	55,594	14	10	37	78,332	7	1
Total ...	37	20	30,562	1	11	10	91,329	6	8	7	32,115	12	9	349	200	3,58,941	3	10	55	94,672	14	6	94	20,38,196	14	7

1	11											
	Suits in which Government has been made a defendant *Proforma*.											
	Total.	Decisions								Pending.		
		Favorable.				Unfavorable.						
	No	No.	Rs.	As.	Ps.	No	Rs.	As.	Ps	No	Rs.	As.	Ps.
High Court ...	...	...	0	0	0	...	0	0	0	...	0	0	0
Zillah Appeals ...	.	.	0	0	0	...	0	0	0	1	30	0	0
Original Suits ...	5	4	409	0	0	...	0	0	0	.	0	0	0
Total ...	5	4	409	0	0	...	0	0	0	1	30	0	0

FORT WILLIAM,
The 1st September 1869.

H. BELL,
Offg. Supdt. and Rembr. of Legal Affairs.

B.

Cases instituted to obtain redress for Official acts.

1	2									3									4									5								
	Suits for the reversal of revenue sales on the plea of informality, non-liability, &c.									Suits for reversal of sales in executions of decrees on the plea of informality, non-liability.									Suits for the reversal of sales of property pledged as security on the plea that the property sold was not liable or on other pleas.									Suits to stay revenue sales or sales in execution of decrees or sales of property pledged as security.								
	Total.	Decisions						Pending.		Total.	Decisions					Pending.			Total.	Decisions					Pending.			Total.	Decisions					Pending.		
		Favorable.			Unfavorable.						Favorable.			Unfavorable						Favorable.			Unfavorable.						Favorable.			Unfavorable				
	No.	No.	Rs. As. P.		No.	Rs. As. P.		No	Rs As P	No	No.	Rs. As. P.		No.	Rs As. P		No.	Rs. As P	No.	No.	Rs. As. P		No	Rs. As. P.		No	Rs. As P	No.	No	Rs. As P		No.	Rs. As. P.		No	Rs. As. P.
High Court ...	.		0 0 0		...	0 0 0		.	0 0 0		...	0 0 0		.	0 0 0		.	0 0 0	..	.	0 0 0		...	0 0 0		...	0 0 0	.	...	0 0 0		..	0 0 0			0 0 0
Zillah Appeals ...	3	2	1,064 9 4		.	0 0 0		1	541 9 10	2	2	1,380 0 0			0 0 0		.	0 0 0	1	1	40 0 0		...	0 0 0		.	0 0 0	...	...	0 0 0		...	0 0 0		.	0 0 0
Original Suits ...	7	5	4,351 10 0		1	173 14 6		1	4,931 8 9	.	...	0 0 0		..	0 0 0		...	0 0 0	1	1	40 0 0		..	0 0 0		.	0 0 0	...	...	0 0 0			0 0 0		.	0 0 0
Total ...	10	7	5,416 3 4		1	173 14 6		2	2,533 2 7	2	2	1,380 0 0		.	0 0 0		..	0 0 0	2	2	80 0 0			0 0 0			0 0 0		.	0 0 0		...	0 0 0		...	0 0 0

1	6									7									8									9								
	Suits of third parties advancing claims to land attached or sold by Government as belonging to others									Suits improperly instituted against officers over whom in their official capacity the Civil Court has no jurisdiction									Suits to contest orders reversing sales or regarding confirmation or quashing of Butwarrahs or the imposition of fines.									Suits for damages on account of acts done by revenue or other officers.								
	Total.	Decisions						Pending.		Total.	Decisions					Pending.			Total.	Decisions					Pending			Total.	Decisions					Pending.		
		Favorable.			Unfavorable.						Favorable.			Unfavorable.						Favorable.			Unfavorable.						Favorable.			Unfavorable				
	No.	No.	Rs. As. P.		No	Rs As P		No.	Rs As. P.	No	No.	Rs. As. P.		No.	Rs. As. P.		No.	Rs As P	No.	No.	Rs As. P		No.	Rs. As. P.		No.	Rs. As. P.	No.	No.	Rs As. P		No	Rs As P		No.	Rs As. P
High Court ...	2	1	5,145 0		...	0 0 0		1	150 0 0		...	0 0 0		...	0 0 0		...	0 0	5	.	0 0 0		...	0 0 0		5	853 4 6	1	1	2,981 8 0		.	0 0 0		.	0 0 0
Zillah Appeals ...	...	...	0 0		...	0 0 0		.	0 0 0	1	1	16 0 0		.	0 0 0		..	0 0 0	1	.	0 0 0		...	0 0 0		1	195 0 0	12	5	5,275 10 3		3	607 5 0		4	2,903 6 0
Original Suits ...	8	2	5,155 1 11		2	55 0 0		4	260 5 0	1	..	0 0 0			0 0 0		1	9 0 0	2	2	205 0 0		...	0 0 0		...	0 0 0	12	6	1,870 14 0		4	2,[illegible]8 3 9		2	491 0 0
Total ...	10	3	10,300 1 11		2	55 0 0		5	410 5 0	2	1	16 0 0		...	0 0 0		1	9 0 0	8	2	205 0 0			0 0 0		6	1,048 4 6	25	12	10,028 0 3		7	3,345 8 9		6	3,293 6 0

FORT WILLIAM,
The 1st September 1869.

H. BELL,
Offg. Supdt. and Rembr. of Legal Affairs.

Cases in which Government is Plaintiff.

1	2							3							4						
	Suits to establish a title to assess or to levy an enhanced assessment.							Suits for recovery of sums misappropriated from defaulters or their sureties.							Suits for refund of money paid to parties not entitled to it.						
	Total.	Decisions				Pending.		Total.	Decisions				Pending.		Total.	Decisions				Pending.	
		Favorable.		Unfavorable.					Favorable.		Unfavorable.					Favorable.		Unfavorable.			
	No.	No.	Rs. As. P.	No.	Rs. As. P.	No.	Rs. As. P.	No.	No.	Rs. As. P.	No.	Rs. As. P.	No.	Rs. As. P.	No.	No.	Rs. As. P.	No.	Rs. As. P.	No.	Rs. As. P.
High Court ...	...	...	0 0 0	...	0 0 0	...	0 0 0	..	...	0 0 0	...	0 0 0	...	0 0 0	.	...	0 0 0	..	0 0 0	....	0 0 0
Zillah Appeals ...	...	...	0 0 0	...	0 0 0	...	0 0 0	..	...	0 0 0	...	0 0 0	...	0 0 0	...	...	0 0 0	...	0 0 0	...	0 0 0
Original Suits ...	..	..	0 0 0	...	0 0 0	...	0 0 0	1	1	11,457 13 2	...	0 0 0	..	0 0 0	...	...	0 0 0	...	0 0 0	...	0 0 0
Total .	..	..	0 0 0	...	0 0 0	..	0 0 0	1	1	11,457 13 2	...	0 0 0	..	0 0 0	...		0 0 0	.	0 0 0		0 0 0

1	5							6							7						
	Suits for the recovery of sums from parties or their sureties for non-fulfilment of contract.							Suits for possession of land, or for the recovery of debts.							Suits to impose fines for the infraction of the Salt Laws.						
	Total.	Decisions				Pending.		Total.	Decisions				Pending.		Total.	Decisions				Pending.	
		Favorable.		Unfavorable.					Favorable.		Unfavorable.					Favorable.		Unfavorable.			
	No.	No.	Rs. As. P.	No.	Rs. As. P.	No.	Rs. As. P.	No.	No.	Rs. As. P.	No.	Rs. As. P.	No.	Rs. As. P.	No.	No.	Rs. As. P.	No.	Rs. As. P.	No.	Rs. As. P.
High Court	...	...	0 0 0	...	0 0 0	...	0 0 0	8	2	10,362 14 0	2	14,857 0 0	4	5,073 1 0	...	...	0 0 0	.	0 0 0	...	0 0 0
Zillah Appeals	...	...	0 0 0	...	0 0 0	...	0 0 0	8	4	6,790 0 2	3	5,321 6 0	1	985 8 0	...	..	0 0 0	.	0 0 0	...	0 0 0
Original Suits	5	5	11,090 12 11	...	0 0 0	...	0 0 0	25	18	15,858 13 9	2	1,61,567 0 0	5	4,291 15 4	...	...	0 0 0		0 0 0	...	0 0 0
Total ..	5	5	11,090 12 11	.	0 0 0	...	0 0 0	41	24	33,011 11 11	7	1,81,745 6 0	10	10,350 8 4	...	...	0 0 0	...	0 0 0	...	0 0 0

FORT WILLIAM,
The 1st September 1869.

H. BELL,
Offg. Supdt. and Rembr. of Legal Affairs.

D.

GENERAL ABSTRACT STATEMENT of Suits in the Civil Court in which Government is a party, disposed of and pending during the year 1868-69.

1		2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18
		ORIGINAL SUITS.								APPEALS.								
					Decided within the Year.								Decided within the Year.					
DIVISION.	COURT.	Number pending on the 31st March 1868.	Number instituted from 1st April 1868 to 31st March 1869.	Total.	In favor of Government.	Against Government.	Total.	Compromised.	Pending on the 31st March 1869.	Number pending on the 31st March 1868.	Number instituted from 1st April 1868 to 31st March 1869.	Total.	In favor of Government.	Against Government.	Total.	Remanded.	Pending on the 31st March 1869.	Number of cases which Government lost twice.
	High Court ...	...	...	...	...	...	...	...	...	E 77	73	150	77	13	90	14	46	...
PATNA ...	Patna ..	2	1	3	2	...	2	1	...	1	1	2	1	1	2	...	...	1
	Gya ...	...	...	...	...	...	...	...	...	2	...	2	2	...	2	...	...	...
	Sarun ...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
	Shahabad .	8	7	15	8	3	11	...	4	...	...	...	...	...	...	...	...	...
	Tirhoot ..	1	6	7	3	...	3	...	4	4	2	6	6	...	6	...	...	...
BHAUGULPORE	Bhaugulpore ..	2	6	8	...	2	2	...	6	3	1	4	3	1	4	...	...	1
	Monghyr .	1	1	2	1	1	2	...	...	2	3	5	...	2	2	...	3	2
	Purneah ..	3	1	4	2	1	3	1	...	...	1	1	...	1	1	...	...	...
RAJSHAHYE ...	Moorshedabad ...	...	4	4	4	...	4	...	...	F 1	1	2	2	...	2	...	...	...
	Rajshahye ...	...	3	3	3	...	3	...	...	...	1	1	...	1	1	...	...	...
	Pubna	4	1	1	...	...	...	...	1	...	1	1	1	...	1	...	...	...
	Rungpore ..	3	2	5	3	...	3	...	2	...	...	...	...	...	...	...	...	...
	Bograh ...	...	1	1	1	...	1	...	...	1	...	1	...	1	1	...	...	...
	Dinagepore .	1	...	1	1	...	1	...	...	...	...	...	...	...	...	...	...	...
	Maldah ...	1	1	2	2	...	2	...	...	...	1	1	1	...	1	...	...	...
BURDWAN ...	Burdwan ...	4	12	16	6	4	10	...	6	...	4	4	2	...	2	...	2	...
	Hooghly ...	B 6	15	21	13	4	17	1	3	1	8	9	4	2	6	...	3	1
	Bancoorah ..	6	28	34	23	2	25	2	7	...	6	6	4	...	4	...	2	...
	Beerbhoom ...	C...	5	5	1	1	2	...	3	2	2	4	3	...	3	...	1	...
	Midnapore ..	1	4	5	2	2	4	...	1	1	3	4	1	...	1	1	2	...
PRESIDENCY...	Nuddeah ...	1	4	5	4	...	4	...	1	7	2	9	5	4	9	...	...	2
	24-Pergunnahs ..	1	16	17	9	3	12	1	4	2	3	5	2	1	3	...	2	1
	Jessore ...	...	7	7	7	...	7	...	...	1	2	3	2	...	2	...	1	...
	Sooonderbuns ..	1	1	2	2	...	2	...	...	...	...	...	...	...	...	...	...	...
DACCA ...	Dacca ..	D 8	13	21	12	2	14	2	5	6	9	15	11	1	12	1	2	...
	Furreedpore ...	...	2	2	...	...	...	...	2	4	...	4	3	1	4	...	...	1
	Sylhet	5	15	20	9	3	12	4	4	4	6	10	2	5	7	1	2	2
	Mymensing ...	5	5	10	6	2	8	1	1	4	2	6	4	...	4	...	2	...
	Backergunge .	4	4	8	5	...	5	2	1	6	3	9	1	1	2	1	6	1
CUTTACK ...	Cuttack ..	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
	Balasore ..	...	2	2	1	...	1	...	1	...	...	...	...	...	...	...	...	...
	Pooree... ...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
CHITTAGONG...	Chittagong ..	1	13	14	5	1	10	1	3	6	8	14	10	...	10	...	4	...
	Tipperah ..	...	5	5	2	1	3	...	2	...	1	1	...	...	...	...	1	...
	Bullooah ...	1	4	5	4	...	4	...	1	1	1	2	...	1	1	...	1	...
CHOTA-NAGPORE ...	Lohardugah ..	...	2	2	2	...	2	...	...	...	...	...	...	...	...	...	...	...
	Lohardugah ..	3	...	3	1	2	3	...	...	...	2	2	...	2	2	...	...	...
	Maunbhoom ...	3	2	5	1	2	3	...	2	...	1	1	...	...	...	...	1	...
ASSAM ...	Cossyah & Jynteal	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
	Durrung ..	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
	Kamroop ...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
	Luckimpore ...	...	1	1	1	...	1	...	...	...	...	...	...	...	...	...	...	...
	Nowgong ...	...	4	4	4	...	4	...	...	...	...	...	...	...	...	...	...	...
	Seebsaugur ..	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
COOCH-BEHAR	Darjeeling	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
	Gowalparah ...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
	Western Dooars ...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
	Total .	72	198	270	154	36	190	16	64	136	148	284	147	38	185	18	81	12

A.—The (3) three cases shown as pending in the Pubna Statement of last year, were also shown against Mymensing, the entry in the former was not correct. I have therefore struck out those 3 cases against Pubna from this Statement.

B.—The case shown as pending against Hooghly in the last year's Statement was a mistake. It was decided before the close of 1867-68 and I have therefore left it out from this Statement.

C.—Ditto ditto Beerbhoom.

D.—The discrepancy is owing to a mistake in including a case of Mymensing in Dacca, in last year's Statement, which has been corrected now.

E.—In giving the Number of new institutions last year, a mistake in addition was made, and hence the discrepancy. The correct balance in the last year's Statement should have been as shown in this.

F.—This discrepancy is owing to a mistake committed last year in counting a case twice, but it has been corrected now.

FORT WILLIAM,
The 1st September 1869.

H. BELL,
Offg. Superintendent and Rembr. of Legal Affairs.

E.

STATEMENT shewing the amount expended in litigation, as contrasted with the sums actually realized by Government under Decrees of Court in the Revenue Department, from 1st April 1868 to 31st March 1869.

Division.	Zillah.	Nature of Receipts. Sums awarded in favor of Government in Regular Suits.	Costs awarded in favor of Govt., whether in actions for or against Government.	Costs in Privy Council Appeals realized.	Costs in Pauper Suits, realized, exclusive of Stamp fees.	Costs in all other cases realized.	All sums otherwise realized in Judicial Proceedings.	Total.	Nature of Disbursements. Amount (including costs awarded against Government) in Regular Suits.	Amount expended in prosecution of Suits in Courts.	Amount expended in defence of Suits in Courts.	Amount advanced in Privy Council Appeals.	Amount advanced in Pauper Suits exclusive of Stamp fees.	Miscellaneous Disbursements on account of Judicial Proceedings other than those adverted to.	Total.
		Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.
Patna	Patna	0 0 0	65 5 9	0 0 0	872 10 0	0 0 0	0 0 0	937 15 9	2,039 8 1	0 0 0	50 2 0	0 0 0	0 0 0	2 7 6	2094 2 1
	Gya	0 0 0	556 11 0	0 0 0	25 0 0	0 0 0	0 0 0	581 11 0	0 0 0	0 0 0	747 11 9	0 0 0	0 0 0	0 0 0	747 11 9
	Sarun	0 0 0	1,794 5 5	0 0 0	0 0 0	0 0 0	0 0 0	1,794 5 5	0 0 0	0 0 0	57 1 0	0 0 0	0 0 0	27 0 0	621 9 0
	Shahabad	203 12 11	45 13 1	0 0 0	15 0 6	0 0 0	0 0 0	264 10 0	3,920 12 0	1,275 8 0	2,658 6 2	0 0 0	14 0 0	2 8 0	7,871 2 2
	Tirhoot	148 2 6	0 0 0	0 0 0	0 0 0	2 2 0	0 0 0	150 4 6	0 0 0	360 12 4	46 2 0	0 0 0	6 9 6	187 14 8	601 6 6
Bhaugulpore	Bhaugulpore	0 0 0	42 12 0	0 0 0	0 0 0	0 0 0	0 0 0	42 12 0	0 0 0	0 0 0	2 0 0	0 0 0	0 0 0	12 7 9	14 7 9
	Monghyr	150 3 6	53 14 0	0 0 0	0 0 0	111 6 0	11 10 0	336 1 6	2,745 0 7	405 0 0	0 8 0	0 0 0	44 5 6	565 4 3	3,760 2 4
	Purneah	0 0 0	1,416 12 7	0 0 0	0 0 0	0 0 0	1,211 -5 0	2,628 1 7	0 0 0	0 0 0	239 -6 11	0 0 0	0 0 0	0 0 0	239 6 11
Rajshahye	Moorshedabad	0 0 0	160 13 1	0 0 0	31 2 5	0 0 0	0 0 0	191 15 6	0 0 0	456 4 10	33 7 0	0 0 0	75 12 0	2 9 0	567 0 10
	Rajshahye	0 0 0	0 0 0	0 0 0	62 10 0	0 0 0	0 0 0	62 10 0	0 0 0	0 0 0	0 0 0	0 0 0	18 10 0	0 8 0	19 2 0
	Pubna	0 0 0	1,479 8 5	0 0 0	8 15 10	0 0 0	0 0 0	1,488 8 3	334 11 6	49 0 0	1,515 11 9	0 0 0	5 0 0	0 0 0	1,904 8 3
	Rungpore	0 0 0	166 6 0	0 0 0	0 0 0	0 0 0	0 0 0	166 6 0	9,774 11 9	0 0 0	20 3 8	0 0 0	5 12 0	0 0 0	9,808 10 9
	Bograh	0 0 0	0 0 0	0 0 0	0 0 0	0 0 0	40 3 6	40 3 6	0 0 0	6 0 0	178 15 5	0 0 0	0 0 0	22 10 4	207 9 9
	Dinagepore	0 0 0	0 0 0	0 0 0	0 0 0	0 0 0	0 0 0	0 0 0	55 9 0	0 0 0	0 0 0	0 0 0	0 0 0	31 1 9	86 10 0
	Maldah	0 0 0	792 10 0	0 0 0	0 0 0	0 0 0	0 0 0	792 10 0	0 0 0	461 15 3	0 0 0	0 0 0	0 0 0	0 0 0	461 15 3
Burdwan	Burdwan	1,274 11 7	-143 14 7	0 0 0	147 0 0	3,534 11 1	77 3 7	5,167 8 10	98 9 4	415 14 0	3 3 0	0 0 0	446 9 0	88 10 7	1,052 3 11
	Hooghly	0 0 0	311 0 6	0 0 0	1,619 14 0	0 0 0	0 0 0	1,930 14 6	306 1 0	0 0 0	542 14 10	0 0 0	0 0 0	0 0	848 15 10
	Bancoorah	0 0 0	15,795 5 9	0 0 0	0 0 0	0 0 0	0 0 0	15,795 5 9	91 14 2	376 0 0	66 7 3	0 0 0	0 0 0	131 11 0	716 0 5
	Beerbhoom	0 0 0	70 2 5	0 0 0	100 0 0	45 4 10	75 11 10	291 3 1	0 0 0	12 9 0	0 0 0	0 0 0	576 6 0	44 12 8	633 11 8
	Midnapore	663 4 6	190 9 11	0 0 0	0 0 0	0 0 0	168 1 7	1,022 15 6	150 10 5	49 2 6	0 0 0	0 0 0	2 8 0	0 0 0	442 4 11
Presidency	Nuddea	0 0 0	185 9 2	0 0 0	5 0	0 0 0	15 0 0	205 9 2	1,233 1 2	0 0 0	0 0 0	0 0 0	3 0 0	173 7 4	1,419 8 6
	24-Pergunahs	0 0 0	1,004 9 3	0 0 0	149 15 1	0 0 0	213 11 6	1,368 4 8	4,143 2 7	54 4 0	18 5 0	0 0 0	419 5 0	100 8 0	1,735 8 7
	Jessore	507 11 3	0 0 0	0 0 0	0 0 0	35 10 0	0 0 0	543 5 3	0 0 0	856 0 9	19 10 3	0 0 0	0 0 0	240 0 0	815 11 0
	Sooanderbuns	0 0 0	551 14 6	0 0 0	0 0 0	0 0 0	113 8 9	665 7 3	2,257 6 10	559 6 6	1,158 6 3	253 10 10	0 0 0	215 2 6	4,444 0 11
Dacca	Dacca	1,353 10 8	18 8 0	0 0 0	0 0 0	0 0 0	0 0 0	1,371 2 8	0 0 0	660 7 10	2,353 9 9	0 0 0	0 0 0	0 0 0	3,013 1 7
	Furreedpore	0 0 0	427 13 7	0 0 0	0 0 0	0 0 0	0 0 0	427 13 7	0 0 0	0 0 0	457 7 6	0 0 0	7 9 0	0 0 0	465 0 6
	Sylhet	0 0 0	581 9 7	0 0 0	5 0 0	0 0 0	0 0 0	586 9 7	325 14 1	19 0 0	101 4 3	0 0 0	0 0 0	592 15 11	1,039 2 3
	Mymensing	0 0 0	992 9 1	0 0 0	0 0 0	0 0 0	0 0 0	992 9 1	287 4 0	92 1 0	0 0 0	5,505 12 0	0 0 0	0 0 0	5,885 1 0
	Backergunge	14 9 6	5 6 0	0 0 0	0 0 0	0 0 0	0 0 0	20 1 6	1,293 6 7	198 11 5	309 0 0	0 0 0	0 0 0	40 14 0	1,831 0 0

STATEMENT E.—(*Continued.*)

Division.	Zillah.	Nature of Receipts. Sums awarded in favor of Government in Regular Suits.	Costs awarded in favor of Govt., whether in actions for or against Government.	Costs in Privy Council Appeals realised.	Costs in Pauper Suits realised exclusive of Stamp Fees.	Costs in all other cases realised.	All sums otherwise realised in Judicial Proceedings.	Total.	Nature of Disbursements. Amount including cost awarded against Government in Regular Suits.	Amount expended in prosecution of Suits in Courts.	Amount expended in defence of Suits in Courts.	Amount advanced in Privy Council Appeals.	Amount advanced in Pauper Suits exclusive of Stamp fees.	Miscellaneous Disbursements on account of Judicial proceedings other than those adverted to.	Total.
		Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.
Orissa ...	Cuttack ...	1,506 7 3	0 0 0	0 0 0	4 6 0	334 6 11	0 0 0	1,845 4 2	0 0 0	957 15 9	0 0 0	0 0 0	50 14 6	0 0 0	1,008 14 3
	Balasore ...	0 0 0	0 0 0	0 0 0	23 13 1	0 0 0	0 0 0	23 13 1	0 0 0	0 0 0	0 0 0	0 0 0	0 0 0	0 0 0	0 0 0
	Pooree ...	0 0 0	0 0 0	0 0 0	0 0 0	0 0 0	0 0 0	0 0 0	0 0 0	53 12 0	0 0 0	0 0 0	28 2 0	0 0 0	80 14 0
Chittagong ...	Chittagong ...	0 0 0	812 9 3	0 0 0	0 0 0	0 0 0	0 0 0	812 9 3	95 14 7	42 4 3	2 7 0	0 0 0	0 0 0	318 14 6	459 8 4
	Tipperah ...	0 0 0	1 14 0	0 0 0	4 4 0	0 0 0	332 8 0	338 10 0	2,959 9 7	25 9 6	96 9 2	0 0 0	4 4 0	8 0 0	3,094 0 3
	Bullooah ...	0 0 0	83 6 3	0 0 0	0 0 0	15 5 0	107 3 0	156 3 3	0 0 0	55 2 9	55 0 0	0 0 0	43 10 0	0 0 0	153 12 9
Chota-Nagpore	Hazareebaugh ...	0 0 0	0 0 0	0 0 0	0 0 0	0 0 0	0 0 0	0 0 0	0 0 0	0 8 0	199 9 11	0 0 0	0 0 0	20 13 0	220 14 11
	Lohardugga ...	0 0 0	0 0 0	0 0 0	0 0 0	0 0 0	155 10 0	155 10 0	207 8 0	43 11 0	0 0 0	0 0 0	0 0 0	0 0 0	251 3 0
	Ramgbhoom ...	0 0 0	356 9 3	0 0 0	0 0 0	0 0 0	0 0 0	356 9 3	0 0 0	1,077 4 0	241 1 6	0 0 0	0 0 0	0 0 0	1,318 5 6
	Singbhoom ...	0 0 0	0 0 0	0 0 0	0 0 0	0 0 0	0 0 0	0 0 0	0 0 0	0 0 0	0 0 0	0 0 0	0 0 0	0 0 0	0 0 0
Assam ...	Cossya & Jynteah	0 0 0	0 0 0	0 0 0	0 0 0	0 0 0	0 0 0	0 0 0	0 0 0	0 0 0	0 0 0	0 0 0	0 0 0	0 0 0	0 0 0
	Durrung ...	0 0 0	0 0 0	0 0 0	0 0 0	0 0 0	0 0 0	0 0 0	0 0 0	0 0 0	0 0 0	0 0 0	0 0 0	0 0 0	0 0 0
	Kamroop ...	0 0 0	0 0 0	0 0 0	0 0 0	0 0 0	0 0 0	0 0 0	0 0 0	0 0 0	0 0 0	0 0 0	0 0 0	0 0 0	0 0 0
	Luckimpore ...	0 0 0	0 0 0	0 0 0	0 0 0	0 0 0	0 0 0	0 0 0	0 0 0	0 0 0	0 0 0	0 0 0	0 0 0	0 0 0	0 0 0
	Nowgong ...	0 0 0	74 4 1	0 0 0	0 0 0	0 0 0	0 0 0	74 4 1	0 0 0	79 2 1	0 0 0	0 0 0	0 0 0	0 0 0	79 2 1
	Seebsargur ...	0 0 0	0 0 0	0 0 0	0 0 0	0 0 0	0 0 0	0 0 0	0 0 0	0 0 0	0 0 0	0 0 0	0 0 0	0 0 0	0 0 0
Cooch-Behar ...	Darjeeling ...	0 0 0	0 0 0	0 0 0	0 0 0	0 0 0	0 0 0	0 0 0	0 0 0	0 0 0	0 0 0	0 0 0	0 0 0	0 0 0	0 0 0
	Gowalparah ...	0 0 0	0 0 0	0 0 0	0 0 0	0 0 0	0 0 0	0 0 0	0 0 0	0 0 0	0 0 0	0 0 0	0 0 0	0 0 0	0 0 0
	Western Dooars ...	0 0 0	0 0 0	0 0 0	0 0 0	0 0 0	0 0 0	0 0 0	0 0 0	3 0 0	0 0 0	0 0 0	0 0 0	0 0 0	0 0 0
	Total ...	5,830 9 2	27,932 12 6	0 0 0	3,004 11 3	4,089 13 10	2,523 1 9	43,360 0 6	29,269 11 3	8,363 6 9	11,283 9 8	5,759 6 10	1,781 6 0	3,290 8 0	59,723 11 6

FORT WILLIAM,
The 1st September 1869.

H. BELL,
Officiating Superintendent and Remembrancer of Legal Affairs.

F.

STATEMENT shewing the Amount expended in litigation, as contrasted with the sums actually realized by Government under Decrees of Court in the Salt and Opium Departments, from 1st April 1868 to 31st March 1869.

	Nature of Receipts.						Nature of Disbursements.				
	Sums awarded in favor of Government in Regular Suits.	Cost awarded in favor of Government whether in actions for or against Government.	Fines and Penalties realized through the intervention of the Courts of Justice.	Costs in all other cases realized.	All sums otherwise realized in Judicial Proceedings.	Total.	Amount, including costs, awarded against Government in Regular Suits.	Amount expended in prosecution of suits in Court.	Amount expended in defence of suits in Court.	Miscellaneous disbursements on account of Judicial Proceedings other than those adverted to.	Total.
	Rs. As. P.	Rs. As. P.	Rs. As. P.	Rs. As. P.	Rs. As. P.	Rs. As. P.	Rs. As. P.	Rs. As. P.	Rs. As. P.	Rs. As. P.	Rs. As. P.
Salt Department.											
24-Pergunnahs	278 7 0	34 5 0	0 0 0	0 0 0	650 12 0	963 8 0	0 0 0	0 0 0	0 0 0	95 7 0	95 7 0
Chittagong	0 0 0	31 0 0	0 0 0	0 0 0	0 0 0	31 0 0	0 0 0	0 0 0	0 0 0	7 9 0	7 9 0
Total ...	278 7 0	65 5 0	0 0 0	0 0 0	650 12 0	994 8 0	0 0 0	0 0 0	0 0 0	103 0 0	103 0 0
Behar Opium Agency	308 3 0	23 0 0	0 0 0	0 0 0	2 1 6	333 4 6	0 0 0	0 0 0	72 10 0	4 9 6	77 3 6
Grand Total ...	586 10 0	88 5 0	0 0 0	0 0 0	652 13 6	1,327 12 6	0 0 0	0 0 0	72 10 0	107 9 6	180 3 6

FORT WILLIAM,
The 1st September 1869.

H. BELL,
Officiating Superintendent and Remembrancer of Legal Affairs.

G.

GENERAL ABSTRCT STATEMENT showing the amounts decreed in favor of Government in the Revenue Department, realized and outstanding on the 1st April 1869.

Division.	Zillah.	Outstanding on the 1st April 1868. Principal. Rs.	As.	P.	Interest. Rs.	As.	P.	Costs. Rs.	As.	P.	Awarded in favor of Government from 1st April 1868, to 31st March 1869. Principal. Rs.	As.	P.	Interest. Rs.	As.	P.	Costs. Rs.	As.	P.	Total. Rs	As.	P.	Realized during the year 1868-69. Rs.	As.	P.	Balance. Rs	As	P.	Deduct remitted by order of the Commissioner of Revenue or other authorities. Rs.	As.	P.	Nett balance outstanding on the 1st April 1869. Rs.	As.	P.
Patna	Patna ...	1,673	5	5	45	3	2	30	5	0	105	12	4	11	0	5	19	1	0	1,885	4	4	65	5	9	1,819	14	7	0	0	0	1,919	14	7
	Gya ...	878	13	0	146	9	7	2	0	0	283	5	5	189	3	4	40	0	0	1,539	15	4	581	11	0	958	4	4	0	0	0	958	4	4
	Sarun ...	0	0	0	0	0	0	1,907	0	8	0	0	0	392	0	1	77	3	0	2,406	3	9	1,794	5	5	611	14	4	0	0	0	611	14	4
	Shahabad ...	3,719	13	9	0	0	0	23	4	9	1,770	12	3	12	13	1	28	12	0	5,552	7	10	240	10	0	5,302	13	10	3,149	15	0	2,152	14	10
	Tirhoot ...	224	7	0	0	0	0	16	14	9	6,186	14	11	7	7	5	24	12	9	6,460	8	10	148	2	6	6,312	6	4	0	0	0	6,312	6	4
Bhaugulpore	Bhaugulpore ...	1,377	15	5	0	0	0	1	4	0	39	2	0	0	0	0	3	10	0	1,421	15	5	42	12	0	1,379	3	5	19	3	2	1,360	0	3
	Monghyr ...	159	3	8	0	0	0	45	7	0	0	0	0	11	10	0	13	8	0	229	12	6	224	11	6	5	1	0	0	0	0	5	1	0
	Purneah ...	0	0	0	0	0	0	1,034	7	3	0	0	0	0	0	0	665	8	10	1,699	0	1	1,416	12	7	273	3	6	198	5	0	74	14	6
Rajshahye	Moorshedabad ...	0	0	0	0	0	0	101	8	0	0	0	0	0	0	0	147	11	2	249	3	2	160	13	1	88	6	1	31	1	8	57	4	7
	Rajshahye ...	2,045	4	9	0	0	0	9	0	0	0	0	0	0	0	0	0	0	0	2,054	4	9	0	0	0	2,054	4	9	0	0	0	2,054	4	9
	Pubna ...	0	0	0	0	0	0	864	6	2	0	0	0	0	0	0	1,593	9	8	2,457	15	10	1,479	8	5	978	7	5	0	0	0	978	7	5
	Rungpore ...	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	321	8	0	321	8	0	0	0	0	321	8	0	0	0	0	321	8	0
	Bograh ...	0	0	0	0	0	0	251	12	3	0	0	0	0	0	0	9	14	6	261	10	9	0	0	0	261	10	9	0	0	0	261	14	9
	Dinagepore ...	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	Maldah ...	0	0	0	0	0	0	0	0	0	734	7	0	0	11	3	14	8	0	799	10	3	41	6	3	758	4	0	0	0	0	758	4	0
Burdwan	Burdwan ...	5,576	8	4	0	0	0	210	8	9	164	13	1	16	12	9	83	1	7	6,058	12	6	1,405	13	9	4,640	14	9	1,188	3	6	3,374	11	3
	Hooghly ...	0	0	0	0	0	0	2,236	9	1	0	0	0	0	0	0	1,898	10	10	4,135	3	11	911	0	6	3,224	3	5	1,085	6	8	2,139	12	9
	Bankoorah ...	13,967	5	11	0	0	0	64	6	1	6,609	2	6	1,177	3	6	163	9	0	20,986	11	0	15,795	5	9	5,191	5	3	78	13	10	5,112	7	5
	Beerbhoom ...	299	10	8	20	14	3	27	6	2	29	6	3	8	4	7	25	2	8	220	12	7	133	13	1	87	15	6	36	0	1	51	15	1
	Midnapore ...	1,404	11	4	366	4	9	3,123	5	7	11,187	7	10	110	8	6	86	15	3	16,278	2	3	1,023	15	6	14,255	3	9	371	7	2	13,883	12	7
Presidency	Nuddeah ...	1,701	9	7	0	0	0	737	12	3	0	0	0	0	0	0	3,8	2	4	2,768	8	2	200	9	2	2,565	15	0	677	9	10	1,888	5	2
	24-Pergunnahs ...	4,567	1	7	0	0	0	615	4	0	13	6	5	125	8	0	100	8	0	5,420	12	1	1,218	4	6	4,202	7	7	2,657	3	4	1,545	4	3
	Jessore ...	1,585	14	4	1	7	6	123	3	0	1,727	8	0	150	8	11	275	5	4	4,911	15	4	543	5	3	3,468	10	1	0	0	0	3,468	10	1
	Soonderbuns ...	5,194	10	2	0	0	0	22	0	0	435	0	0	94	12	9	4	1	0	5,750	13	11	665	7	3	5,085	6	8	1,369	11	1	3,715	11	7
Dacca	Dacca ...	1,009	14	4½	0	0	0	23	0	0	1,989	2	6½	292	5	1	200	0	0	3,514	5	11½	1,371	2	8	2,143	3	3½	99	14	6	2,043	4	9½
	Furreedpore ...	585	11	6	0	0	0	60	2	0	6,627	6	6	460	0	5	183	14	0	7,916	2	5	427	13	7	7,488	4	10	7,386	2	4	102	2	6
	Sylhet ...	473	6	7	0	0	0	8	1	0	165	9	2	81	10	10	29	11	0	757	6	6	581	9	7	175	12	11	0	0	0	175	12	11
	Mymensing ...	1,234	8	9	0	0	0	47	11	0	835	0	4	160	14	11	48	8	0	2,406	11	0	992	9	1	1,414	1	11	770	5	3	643	12	8
	Backergunge ...	39	14	7½	1,536	5	10½	22	1	10½	360	9	5	34	1	2	9	0	0	2,002	0	11½	20	1	6	1,981	15	5½	1,525	8	10½	456	6	7
Orissa	Cuttack ...	89	12	0	6	10	1	0	0	0	0	0	0	1	1	9	0	0	0	97	7	10	0	0	0	97	7	10	86	14	8	10	9	2
	Balasore ...	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	Pooree ...	0	0	0	0	0	0	37	5	6	0	0	0	0	0	0	0	0	0	37	5	6	0	0	0	37	5	6	37	5	6	0	0	0
Chittagong	Chittagong ...	1,117	8	0	0	0	0	0	0	0	489	10	3	0	0	0	0	0	0	1,607	2	3	612	9	3	994	9	0	589	11	0	404	14	0
	Tipperah ...	0	0	0	0	0	0	0	0	0	25	7	4	0	1	4	5	1	0	30	10	0	1	14	0	28	12	0	0	0	0	28	12	0
	Bullooah ...	226	12	4	0	0	0	3	4	0	11	11	3	0	0	0	14	10	0	258	5	7	48	11	3	209	10	4	0	0	0	209	10	4
Chota-Nagpore	Hazareebagh ...	0	0	0	0	0	0	12	3	3	0	0	0	0	0	0	0	0	0	12	3	3	0	0	0	12	3	3	0	0	0	12	3	3
	Lohardugga ...	1,437	5	0	0	0	0	0	0	0	0	0	0	155	10	0	0	0	0	1,592	15	0	1,592	15	0	0	0	0	0	0	0	0	0	0
	Manbhoom ...	0	0	0	0	0	0	1,577	0	9	0	0	0	0	0	0	494	13	0	2,081	13	9	356	9	3	1,705	4	6	1,319	9	0	385	11	6
	Singbhoom ...	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Assam	Cossya & Jynteah	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	Durrang ...	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	Kamroop ...	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	Lackimpore ...	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	Nowgong ...	0	0	0	0	0	0	69	8	7	0	0	0	0	0	0	47	8	0	97	0	7	74	4	1	23	13	6	0	0	0	23	13	6
	Seebsaughur ...	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	Darjeeling ...	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Cooch-Behar	Gowalparah ...	1,002	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1,002	0	0	0	0	0	1,002	0	0	1,002	0	0	0	0	0
	Western Dooars (Julpigoree) ...	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	Total ...	50,484	4	0½	2,271	6	2½	12,236	2	8½	39,630	11	1½	3,503	4	1½	6,914	3	11½	1,15,343	0	2	33,661	0	6	81,680	15	8	24,278	7	3½	57,402	8	4½

FORT WILLIAM,
The 1st September 1869.

H. BELL,
Officiating Superintendent and Remembrancer of Legal Affairs.

H.

GENERAL ABSTRACT STATEMENT shewing the amount decreed in favor of Government in the Salt and Opium Departments, realized and outstanding on the 1st April 1869.

Department	Outstanding on the 1st April 1869			Awarded in favor of Government from 1st April 1868 to 31st March 1869			Total.	Realized during the year 1868-69.	Balance	Deduct remitted by order of the Commissioner of Revenue or other authority.	Nett balance outstanding on the 1st April 1869.
	Principal.	Interest.	Costs.	Principal	Interest.	Costs					
	Rs. As. P.	Rs. As. P.	Rs. As. P.	Rs. As. P	Rs. As. P	Rs. As. P	Rs. As. P.	Rs. As. P.	Rs. As. P	Rs. As. P.	Rs. As. P.
Salt Department.											
24-Pergunnahs' Agency .	59,846 6 7½	0 0 0	1,991 11 9	0 0 0	650 12 0	88 12 0	62,577 10 5	963 8 0	61,614 2 5	12,314 11 6	49,299 6 11
Chittagong . Ditto .	75 3 6	0 0 0	0 0 0	7 9 0	0 0 0	0 0 0	82 12 6	31 0 0	51 12 6	0 0 0	51 12 6
Total	59,921 10 1½	0 0 0	1,991 11 9	7 9 0	650 12 0	88 12 0	62,660 6 11	994 8 0	61,665 14 11	12,314 11 6	49,251 3 5
Behar Opium Agency ..	2,459 14 0	12 11 9	*356 15 11	0 0 0	2 12 0	85 8 0	2,917 13 8	332 3 0	2,585 10 8	0 0 0	2,585 10 8
Grand total ...	62,381 8 1½	12 11 9	2,348 11 8	7 9 0	653 8 0	174 4 0	65,578 4 7	1,326 11 0	64,251 9 7	12,314 11 6	51,936 14 1

The discrepancy has been explained by the Opium Agent.

FORT WILLIAM,
The 1st September 1869.

H. BELL,
Offg. Supdt and Rembr. of Legal Affairs

I.

Statement shewing the number of Cases appertaining to the Court of Wards, decided and pending in the year 1868-69.

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17
	ORIGINAL SUITS.								APPEALS.							
				Decided.								Decided.				
	Number pending on the 31st March 1868	Number instituted from 1st April 1868 to 31st March 1869	Total.	In favor of Court of Wards.	Against Court of Wards.	Total decided.	Compromised.	Pending.	Number pending on the 31st March 1868.	Number instituted from 1st April 1868 to 31st March 1869.	Total.	In favor of Court of Wards.	Against Court of Wards.	Total decided.	Remanded.	Pending.
High Court ...	...	...				...	...	...	34	59	93	35	12	47	8	38
Gya .	...	...	...	..	.		...	...	..	1	1	1	..	1	...	...
Patna ..	3	...	3	1	1	2	..	1	.	3	3	1	...	1	..	
Shahabad .	...	2	2		2	2	..	..	..	...	.	...	...	...	...	...
Sarun ...	3	26	29	5	10	21	1	7	4	2	6	5	..	5		1
Tirhoot .	6	42	48	17	10	27	2	19	8	13	21	8	4	12	...	9
Hooghly ...	1	4	5	1	2	3	...	2	1	5	6	2	3	5	...	1
Midnapore ...	..			...	.	...	...	...	...	...	...	...	...	...	...	...
Beerbhoom . .	4	1	5	...	3	3		2	1	2	3	2	1	3	..	..
Jessore	2	...	2	2		2	...	...	...	7	7	...	...	...	...	7
Dinagepore .	...	.	...	...				...	...	...	..	...	...	...	...	...
a																
Maldah			.	.					.	.	...	...	...	...	...	...
Rajshaye ...	..	1	1				1			1	1	1	...	1	...	...
Moorshedabad	1	3	4	3		3		1	...	2	2	..	...	...	...	2
24 Pergunnahs .	1	3	4		3	3		1		.	...	...	...	..	...	..
Furreedpore . ..	1	2	3	3		3				.		...	...	...	...	..
Mymensing	...	4	4	..	1	1	.	3		2	2	1	..	1	..	1
Cuttack ...		4	4	2	2	4					..	...		.	...	..
Chittagong	4	15	19	11	2	13		6	7	12	19	11	1	12	1	6
Tipperah		74	83	41	18	59	2	22	21	13	34	14	9	23	1	10
Maunbhoom	The cases and Appeals pending against Maunbhoom was a mistake · they should have been shewn against Lohardugga.															
Bhagulpore ...	...	5	5	1	1	2	1	2		5	5	2	1	3	..	2
Monghyr . .		1	1	1		1		.	..	...	.	..	.	...	...	...
Chota-Nagpore . .		2	2	1	1	2				16	16	8	8	16	.	
Hazareebaugh ...	.	20	20	16	4	20				1	1	1	...	1	:	.
Gowalparah		20	20	7	4	11		9		4		2	2	4		...
Bograh		1	1	1		1				.	.		...			...
Lohardugga ..	1	1	2	1	1	2			3	17	20	6	8	14	6	...
Total ...	36	231	268	114	71	185	7	75	79	165	244	100	49	149	16	79

a.—The case shewn as pending in the Statement of 1867-68 was a mistake, it was not a Court of Wards' case.

FORT WILLIAM,
The 1st September 1869.

H. BELL,
Offg. Supdt. and Rembr. of Legal Affairs.

J.

STATEMENT shewing the amount realized and disbursed on account of Law Charges appertaining to the Court of Wards, from 1st April 1868 to 31st March 1869.

	Nature of Receipts				Nature of Disbursements.					
	Sums awarded in favor of the Court of Wards in Regular Suits	Costs awarded in favor of the Court of Wards, whether in actions for or against Government	All sums otherwise realized in Judicial Proceedings.	Total.	Amount including costs awarded against the Court of Wards in Regular Suits.	Amount expended in prosecution of Suits in Court.	Amount expended in defence of Suits in Court	Miscellaneous disbursements on account of Judicial Proceedings.	Total.	Outstanding on account of Decrees passed in favor of the Court of Wards.
	Rs As P	Rs As P	Rs As P	Rs As P	Rs As P	Rs As P	Rs As P	Rs As P	Rs As P	Rs As P
Patna	0 0 0	0 0 0	0 0 0	0 0 0	409 9 2	0 0 0	0 0 0	0 0 0	409 9 2	652 8 9
Sarun	0 0 0	224 6 8	0 0 0	224 6 8	2,832 14 1	1,018 6 0	346 7 3	100 15 9	4,298 11 1	5,760 2 1
Tirhoot	26,949 3 0	4,355 6 10	100 0 0	30 404 9 10	1,959 1 4	2,671 0 3	1,761 12 4	1,012 12 6	7,304 10 5	1,90,704 7 [illegible]
Bhangulpore	0 0 0	188 0 0	0 0 0	188 0 0	4,131 2 [illegible]	1,306 10 0	17,282 11 4	13 13 0	22,734 4 10	6,630 1 1½
Monghyr	0 0 0	110 8 9	00 0 0	110 8 9	185 0 0	442 12 10	0 0 0	0 0 0	627 12 10	85 8 2
Hooghly	70 12 0	18 9 6	0 8 0	89 13 6	1,132 13 6	236 13 6	275 14 6	26 13 0	1,676 5 6	7,017 2 9
Midnapore	0 0 0	0 0 0	0 0 0	0 0 0	537 2 0	88 6 0	0 0 0	0 0 0	625 8 0	2,076 12 7
24-Pergunnahs	0 0 0	0 0 0	26,603 0 8	26,603 0 8	0 0 0	31 4 0	3,707 3 0	229 11 0	3,999 2 0	7,521 11 2
Backergunge	171 10 9	36 4 0	0 0 0	207 14 9	59 11 6	25 6 0	0 8 0	7 4 0	93 1 6	136 8 9
Mymensing	[illegible]	49 15 6	0 0 0	193 8 7	12 3 0	68 6 0	4 0 0	0 0 0	84 9 0	569 12 1
Hazareebaugh	0 0 0	201 1 0	0 0 0	201 1 0	0 0 0	1,536 13 3	813 0 6	51 9 0	3,401 6 9	17,654 6 6
Lohardugga	1,511 5 7	153 9 0	0 0 0	1,664 14 7	0 0 0	0 0 0	0 0 0	10 0 0	10 0 0	1,664 14 7
Tipperah	368 15 10	349 4 0	332 10 2	950 14 0	2,413 15 11	479 11 0	198 2 0	51 11 6	3,143 8 5	2,690 8 6
Total	28,215 8 3	5 687 1 3	26,935 2 10	60,838 12 4	13,573 9 0	7,905 7 10	24,393 10 11	1,534 13 9	47,407 9 6	2,43,178 9 11½

FORT WILLIAM,
The 1st September 1869

H BELL,
Officiating Superintendent and Remembrancer of Legal Affairs.

H.

(RESOLUTION.)

JUDICAL DEPARTMENT.

JUDICIAL.

Fort William, the 14th April 1870.

READ a letter from the officiating Secretary to the Board of Revenue, No. 92½B of the 4th March 1870, forwarding, with the Board's remarks, the report of the Superintendent and Remembrancer of Legal Affairs for 1868-69.

1. The total number of cases decided in which Government was concerned was 375, as against 383 in 1867-68, and the percentage of favorable judgments was 80 8 as against 81·7 in the year referred to.

2. The amount expended was Rs. 59,903, instead of Rs. 1,46,348. The realisations were, however, very low, being only Rs. 34,987.

3. With reference to the outstanding balances, the Board explain that those under opium and salt decrees have been already written off. It is also clear from paragraphs 6 to 14 of the Board's letter that as regards revenue decrees the remarks of the Superintendent are to a great extent uncalled for.

4. The suggestion, however, made by him as to the employment of subdivisional officers in supervising the realisation of decrees is a good one, and the Lieutenant-Governor is glad to see that the Board have laid down a distinct ruling on the subject, and also that they have given the Superintendent a full discretion in awarding the percentage allowed to ministerial officers for successful recoveries.

5. The status of village chowkeedars, discussed in paragraphs 20 and 21 of the report, will, it is hoped, be fixed by legislation. The Lieutenant-Governor will wait the Board's report on the subject of ghatwalis, and also the explanation promised in the case of Mukta Kasi Debya.

6. In litigation in which the Court of Wards was concerned, the results of original suits, shewing a percentage of success in original suits of 61 6, and in appeals of 67 1, were not very favorable on the whole.

7. Mr. Gomes, Commissioner of the Sunderbuns, is again brought favorably to notice for the care which he has bestowed on the preparation of Government suits, and Mr. B. Wood, Deputy Commissioner of the Sonthal Pergunnahs, is commended for the same reason.

8. Adverting to paragraph 2 of the officiating Secretary's letter the Lieutenant-Governor observes that it would perhaps have been better to leave the inaccurate statements for subsequent correction than to delay the submission of the whole report for so long a time as six months.

By order of the Lieutenant-Governor of Bengal,

A. EDEN,

Secretary to the Govt. of Bengal.

No. 1837.

COPY forwarded to the Board of Revenue for information and guidance.

By order of the Lieutenant-Governor of Bengal,

FORT WILLIAM, *The 14th April* 1870.

A. MACKENZIE,

Offg. Junior Secy. to the Govt. of Bengal.